

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 6. DEPARTMENT OF ECONOMIC SECURITY DEVELOPMENTAL DISABILITIES

Editor's Note: The following Notice of Exempt Rulemaking is exempt from Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 at 15 A.A.R. 1942, November 20, 2009.)

[R10-79]

PREAMBLE

- 1. Sections Affected**
R6-6-1204
- Rulemaking Action**
Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statute the rules are implementing (specific):**
Authorizing statute: A.R.S. § 36-562, as amended by Laws 2010, 7th Special Session, Ch. 11, § 2
Implementing statute: A.R.S. § 36-562
Statute authorizing the exemption: Laws 2010, 7th Special Session, Ch. 11, § 11, Part 2
- 3. The effective date of the rules:**
June 8, 2010
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**
Not applicable
- 5. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Beth A. Broeker
Address: 1798 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007
or
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005
Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: bbroeker@azdes.gov
- 6. An explanation of the rule, including the agency's reason for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:**
As prescribed in A.R.S. § 36-562(M), R6-6-1204 (Special Provisions for Cost of Care Portion from Clients Receiving Residential Services) establishes the cost of care portion for a client receiving residential services from the Department, based on a percentage of the client's income or benefits, and stipulates the percentage or amount the client may retain for personal use.
Laws 2010, 7th Special Session, Ch. 11, § 2 amended A.R.S. § 36-562(M) by adjusting the portion of client income or benefits that a client may retain for personal use. Laws 2010, 7th Special Session, Ch. 11, § 11, Part 2 provided an 18-month exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6, to adjust in rule the portion of client income that a client may retain for personal use pursuant to A.R.S. § 36-562, as amended by the act.

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7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:
Not applicable
8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of the state:
Not applicable
9. The summary of the economic, small business, and consumer impact:
Because these rules are exempt from the Administrative Procedure Act under Laws 2010, 7th Special Session, Ch. 11, § 11, Part 2, the Department did not prepare an economic impact statement.
10. A description of the changes between the proposed rule, including supplemental notices, and final rules (if applicable):
Not applicable
11. A summary of the comments made regarding the rule and the agency response to them:
Not applicable
12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable
13. Incorporations by reference and their location in the rules:
Not applicable
14. Was this rule previously adopted as an emergency rule?
No
15. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

CHAPTER 6. DEPARTMENT OF ECONOMIC SECURITY
DEVELOPMENTAL DISABILITIES

ARTICLE 12. COST OF CARE PORTION

Section

R6-6-1204. ~~Special~~ Provisions for Cost of Care Portion from Clients Receiving Residential Services

ARTICLE 12. COST OF CARE PORTION

R6-6-1204. ~~Special~~ Provisions for Cost of Care Portion from Clients Receiving Residential Services

- A. The cost of care portion for a client receiving residential services is based on the amount of income or benefits the client receives, including Social Security, Veteran's, and Railroad Retirement benefits.
- B. The client shall keep either ~~30%~~ 12% or \$50 of the client's monthly income or benefits, whichever is greater, until the client's personal savings reach the maximum amount allowed by the federal agency providing the benefits, before federal benefits are cut off.
- C. No change
- D. If a client receives a retroactive benefit payment, the client shall retain the greater of either ~~30%~~ 12% of the total amount of the retroactive payments or the maximum amount allowed by the benefit source before federal benefits are cut off. The client shall pay the rest of the retroactive benefit payments, up to the actual cost of the client's residential services, to the Division to cover the months of placement in residential services for which the benefits are being paid.
- E. No change

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TITLE 6. ECONOMIC SECURITY

CHAPTER 7. DEPARTMENT OF ECONOMIC SECURITY
CHILD SUPPORT ENFORCEMENT

Editor's Note: The following Notice of Exempt Rulemaking is exempt from Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 at 15 A.A.R. 1942, November 20, 2009.)

[R10-80]

PREAMBLE

- 1. Sections Affected**
R6-7-101
R6-7-103
- Rulemaking Action**
Amend
New Section
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statute the rules are implementing (specific):**
Authorizing Statute: A.R.S. § 41-1954(A)(3)
Implementing Statute: A.R.S. § 25-510 (D); Laws 2010, 7th Special Session, Ch. 11, § 11
- 3. The effective date of the rules:**
The rules will be effective on July 1, 2010.
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**
Not applicable
- 5. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Beth A. Broeker
Address: 1798 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007
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P.O. Box 6123, Site Code 837A
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E-mail: bbroeker@azdes.gov
- 6. An explanation of the rule, including the agency's reason for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:**
The rule provides the authority for the Director to set the amount of the payment processing fee as required by a legislative change to A.R.S. § 25-510(D). The 2010 Arizona legislative session passed legislation under the reference title: welfare, budget reconciliation; 2010-2011 (HB 2011), which exempted the Department of Economic Security from the rulemaking requirements of A.R.S. Title 41, Chapter 6 for 18 months in order to establish a rule to increase revenue, by increasing the payment handling fee for payments received and processed by the support payment clearinghouse.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
Not applicable
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of the state:**
Not applicable
- 9. The summary of the economic, small business, and consumer impact:**
Because these rules are exempt from the Administrative Procedure Act under A.R.S. § 41-1005(A)(5), the Department did not prepare an economic impact statement.

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10. A description of the changes between the proposed rule, including supplemental notices, and final rules (if applicable):

Not applicable

11. A summary of the comments made regarding the rule and the agency response to them:

Not applicable

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

**CHAPTER 7. DEPARTMENT OF ECONOMIC SECURITY
CHILD SUPPORT ENFORCEMENT**

ARTICLE 1. GENERAL PROVISIONS

Section

R6-7-101. Definitions

R6-7-103. Payment Handling Fee

ARTICLE 1. GENERAL PROVISIONS

R6-7-101. Definitions

The following definitions apply in this Chapter unless otherwise provided in a specific Article of this Chapter:

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
 - a. No change
 - b. No change
 - c. No change
10. No change
11. No change
 - a. No change
 - b. No change
 - c. No change
12. No change
13. No change
14. No change
15. No change
16. No change
17. No change
18. No change
18. No change
20. No change
21. No change
22. No change
23. "Handling fee" means the monthly charge prescribed in A.R.S. § 25-510, which is set by the Department director, and

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is payable to the Title IV-D Agency's Clearinghouse.

- 24. No change
- 25. No change
- 26. No change
- 27. No change
- 28. No change
- 29. No change
- 30. No change
- 31. No change
 - a. No change
 - b. No change
- 32. No change
- 33. No change
- 34. No change
- 35. No change
- 36. No change
- 37. No change
- 38. No change
- 39. No change
- 40. No change
 - a. No change
 - b. No change
- 41. No change
- 42. No change
- 43. No change
- 44. No change
- 45. No change
- 46. No change
- 47. No change
- 48. No change
- 49. No change
- 50. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - b. No change
 - c. No change
- 51. No change
- 52. No change
- 53. No change
- 54. No change
- 55. No change
- 56. No change
- 57. No change
- 58. No change
- 59. No change
- 60. No change
- 61. No change
 - a. No change
 - b. No change
- 62. No change
 - a. No change
 - b. No change
- 63. No change
- 64. No change

R6-7-103. Payment Handling Fee

Under A.R.S. § 25-510, the monthly payment handling fee shall be \$5.

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CHAPTER 12. DEPARTMENT OF ECONOMIC SECURITY
CASH ASSISTANCE PROGRAM

Editor's Note: The following Notice of Exempt Rulemaking is exempt from Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 at 15 A.A.R. 1942, November 20, 2009.)

[R10-81]

PREAMBLE

<u>1. Sections Affected</u>	<u>Rulemaking Action</u>
R6-12-101	Amend
R6-12-102	Amend
R6-12-202	Amend
R6-12-203	Amend
R6-12-205	Amend
R6-12-210	Amend
R6-12-211	Amend
R6-12-302	Amend
R6-12-303	Amend
R6-12-305	Amend
R6-12-307	Amend
R6-12-308	Amend
R6-12-309	Amend
R6-12-313	Amend
R6-12-316	Amend
R6-12-317	Amend
R6-12-318	Amend
R6-12-319	Amend
R6-12-320	Repeal
R6-12-320	New Section
R6-12-321	New Section
R6-12-401	Amend
R6-12-402	Amend
R6-12-403	Amend
R6-12-405	Amend
R6-12-406	Amend
R6-12-501	Amend
R6-12-502	Amend
R6-12-503	Amend
R6-12-504	Amend
R6-12-505	Amend
R6-12-506	Renumber
R6-12-506	New Section
R6-12-507	Renumber
R6-12-507	Amend
R6-12-508	Renumber
R6-12-508	Amend
R6-12-509	Renumber
R6-12-509	Amend
R6-12-601	Repeal
R6-12-601	Renumber
R6-12-602	Renumber
R6-12-602	Amend
R6-12-603	Repeal
R6-12-603	Renumber
R6-12-603	Amend
R6-12-604	Renumber
R6-12-604	Amend
R6-12-605	Repeal
R6-12-605	Renumber

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R6-12-605	Amend
R6-12-606	Renumber
R6-12-607	Repeal
R6-12-607	Renumber
R6-12-608	Renumber
R6-12-609	Renumber
R6-12-610	Renumber
R6-12-610	Amend
R6-12-611	Renumber
R6-12-612	Renumber
R6-12-612	Amend
R6-12-613	Renumber
R6-12-614	Repeal
R6-12-615	Renumber
R6-12-616	Renumber
R6-12-617	Renumber
R6-12-701	Repeal
R6-12-701	New Section
R6-12-702	Amend
R6-12-703	Amend
R6-12-704	Amend
R6-12-705	Amend
R6-12-905	Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statute the rules are implementing (specific):

Authorizing statute: A.R.S. § 41-1954(A)(1) (b)

Implementing statute: A.R.S. § 46-291

Statute authorizing the exemption: Laws 2010, 7th Special Session, Ch. 11, § 11

3. The effective date of the rules:

Pursuant to Laws 2010, 7th Special Session, Ch. 11 (HB2011), amendments to R6-12-318 will be effective on July 1, 2010. All other provisions contained in this rule package will be effective on June 15, 2010.

4. A list of all previous notices appearing in the Register addressing the exempt rule:

Not applicable

5. The name and address of agency personnel with whom persons may communicate regarding the rule:

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6. An explanation of the rule, including the agency's reason for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:

The agency is initiating the rulemaking to amend the current eligibility criteria for the Cash Assistance program to comply with state statutory requirements for this program. The rules specify the policies and procedures that the agency employs in determining initial and ongoing eligibility for cash benefits in the Cash Assistance program. Section 11 of House bill 2011, Chapter 11, filed in the Office of the Secretary of State on March 18, 2010, exempts the Department of Economic Security from the rulemaking requirements of A.R.S. Title 41, Chapter 6 for 18 months from the effective date of the Act to enact the requirements of A.R.S. §§ 46-101, 46-292, and 46-294 as amended by the Act.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Not applicable

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8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of the state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

Because these rules are exempt from the Administrative Procedure Act under A.R.S. § 41-1005(A)(5), the Department did not prepare an economic impact statement.

10. A description of the changes between the proposed rule, including supplemental notices, and final rules (if applicable):

Not applicable

11. A summary of the comments made regarding the rule and the agency response to them:

Not applicable

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

**CHAPTER 12. DEPARTMENT OF ECONOMIC SECURITY
CASH ASSISTANCE PROGRAM**

ARTICLE 1. GENERAL PROVISIONS

Section

R6-12-101. Definitions

R6-12-102. Confidentiality

ARTICLE 2. APPLICATION PROCESS AND PROCEDURES

Section

R6-12-202. Request for Benefits; Composition of the Assistance Unit

R6-12-203. Initial Eligibility Interview

R6-12-205. Verification of Eligibility Information

R6-12-210. Six-month Review

R6-12-211. Reinstatement of Benefits

ARTICLE 3. NON-FINANCIAL ELIGIBILITY CRITERIA

Section

R6-12-302. Applicant and Recipient Responsibility

R6-12-303. Application for Other Potential Benefits

R6-12-305. Citizenship and Alienage

R6-12-307. Social Security Number

R6-12-308. Family Benefit Cap

R6-12-309. Relationship

R6-12-313. Participation in JOBS; Exemptions; Good Cause Exceptions

R6-12-316. Sanctions for Noncompliance

R6-12-317. Voluntary Quit/Reduction in Work Effort

R6-12-318. Duration of Assistance – 36-month Time Limit

R6-12-319. Extension of ~~the 24-month Limit~~ Time Limited Assistance

~~R6-12-320. Extension of 24-month Limit to Complete Education or Training~~

R6-12-320. Duration of Assistance – Federal 60-month Time Limit

R6-12-321. Hardship Verification Requirements

ARTICLE 4. FINANCIAL ELIGIBILITY; RESOURCES

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Section

- R6-12-401. Treatment of Resources; Limitations
- R6-12-402. Treatment of Resources by Ownership Status; Availability
- R6-12-403. Treatment of Resources; Exclusions
- R6-12-405. Resource Transfers; Limitations
- R6-12-406. Resource Verification

ARTICLE 5. FINANCIAL ELIGIBILITY; INCOME

Section

- R6-12-501. Treatment of Income; In General
- R6-12-502. Income Available to the Assistance Unit
- R6-12-503. Income Exclusions
- R6-12-504. Special Income Provisions: Child Support, Alimony, or Spousal Maintenance
- R6-12-505. Special Income Provisions: Nonrecurring Lump Sum Income
- R6-12-506. Special Income Provisions: Sponsored Noncitizens
- ~~R6-12-506~~-R6-12-507. Determining Monthly Income
- ~~R6-12-507~~-R6-12-508. Methods to Determine Projected Monthly Income
- ~~R6-12-508~~-R6-12-509. Income Verification

ARTICLE 6. SPECIAL CA CIRCUMSTANCES

Section

- ~~R6-12-601. Pregnant Women~~
- ~~R6-12-602~~-R6-12-601. Caretaker Relative of SSI or Foster Child
- ~~R6-12-603. Sponsored Noncitizen Aliens~~
- ~~R6-12-604~~-R6-12-602. Strikers
- ~~R6-12-605. Dependents with Ineligible IRCA Parents~~
- ~~R6-12-606~~-R6-12-603. Dependents of Foster Children
- ~~R6-12-607. Stepparents~~
- ~~R6-12-608~~-R6-12-604. Minor Parents
- ~~R6-12-609~~-R6-12-605. Unemployed Parents in a ~~2-parent~~ Two-parent Household (TPEP)
- ~~R6-12-610~~-R6-12-606. TPEP; Education and Employment Requirements; Good Cause for Nonparticipation
- ~~R6-12-611~~-R6-12-607. TPEP; Duration
- ~~R6-12-612~~-R6-12-608. Transitional Child Care
- ~~R6-12-613~~-R6-12-609. Transitional Child Care; Eligible Children
- ~~R6-12-615~~-R6-12-610. Involuntary Termination of Transitional Child Care
- ~~R6-12-616~~-R6-12-611. Guaranteed Child Care Benefits; Options
- ~~R6-12-617~~-R6-12-612. Guaranteed Child Care: Eligible Children
- R6-12-613. Renumbered
- R6-12-614. Transitional Child Care: Duration Repealed
- R6-12-615. Renumbered
- R6-12-616. Renumbered
- R6-12-617. Renumbered

ARTICLE 7. DETERMINING ELIGIBILITY AND BENEFIT PAYMENT AMOUNT

- ~~R6-12-701. Need Standard~~
- R6-12-701. Income Limitations for a Family
- ~~R6-12-702. Determining Eligibility for an Assistance Unit~~
- R6-12-703. Earned Income Disregards
- R6-12-704. Disqualification from Earnings Disregards; Good Cause
- R6-12-705. Determining Benefit Payment Amount; ~~Prorating~~

ARTICLE 9. CHANGES; ADVERSE ACTION

Section

- R6-12-905. Ineligibility Date for an Assistance Unit

ARTICLE 1. GENERAL PROVISIONS

R6-12-101. Definitions

The following definitions apply to this Chapter:

1. “Acceptable medical source” means a registered nurse practitioner or a licensed physician, including a medical or

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osteopathic doctor; licensed psychologist; licensed optometrist; and licensed podiatrist, as applicable for the particular medical impairment.

~~1-2.~~ No change

~~2-3.~~ No change

~~3-4.~~ No change

~~4-5.~~ No change

~~5-6.~~ No change

~~6-7.~~ No change

~~7-8.~~ No change

~~8-9.~~ "Assistance unit" or "unit" means ~~a group of persons~~ those members of a needy family, or a child only case, that meet the non-financial eligibility criteria for Cash Assistance and whose needs, income, resources, and other circumstances are considered as a whole for the purpose of determining eligibility and to determine a Cash Assistance benefit amount.

~~9-10.~~ "Available income or resources" means income or resources ~~which that are is~~ actually available for use of to the family or the assistance unit, and income or resources in which the applicant or recipient family or the assistance unit has a legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance. When an assistance unit includes a dependent child who resides with a parent or a minor sibling, the Department shall consider the income of the parent and minor sibling as available income to the assistance unit.

~~11.~~ "Available resources" means resources that are actually available to the assistance unit, and resources in which the assistance unit has a legal interest. Resources include a liquidated sum in which the assistance unit has the legal ability to make such sum available for support and maintenance. When an assistance unit includes a dependent child who resides with a parent or a minor sibling, the Department shall consider the resources of the parent and minor sibling as available resources to the assistance unit.

~~10-12.~~ No change

~~11-13.~~ "Benefit payment" or "cash benefit" means a monetary amount ~~which that~~ the Department pays to an assistance unit for a particular benefit month.

~~12-14.~~ No change

~~13-15.~~ No change

~~14-16.~~ "CA" means Cash Assistance, a program administered by the Department ~~which that~~ provides assistance to needy families with dependent children and to child only cases pursuant to under 42 U.S.C. 601 et seq.

~~15-17.~~ No change

~~16-18.~~ No change

~~17-19.~~ "Caretaker relative" means a parent or a non-parent relative (Non-parent Caretaker Relative or NPCR), whether related by blood or adoption, who maintains a family setting for a dependent child and who exercises responsibility for the day-to-day physical care, guidance, and support of that child.

~~20.~~ "Child only case" means a case in which the eligible dependent child is in the legal custody of the Department and placed in foster care as defined in A.R.S. § 8-501, with an unrelated adult, or a nonparent relative who is not receiving Cash Assistance. A.R.S. § 46-101(7).

~~18-21.~~ No change

~~19-22.~~ No change

~~20-23.~~ "Countable income" means ~~the amount of gross income from every source minus income excluded under R6-12-503 of the assistance unit which the Department considers to determine eligibility and compute a benefit amount.~~

~~24.~~ "Countable payment" means a cash benefit paid to or for an assistance unit in the Arizona CA program on or after October 1, 2002, but does not include cash benefits that are not countable toward the 36-month time limit under R6-12-318(E).

~~25.~~ "Crime" means any unlawful act against a head of household, the spouse of the head of household, or any member of an assistance unit that creates a hardship.

~~26.~~ "Current federal poverty level" means the federal Department of Health and Human Services poverty guidelines published annually in the Federal Register.

~~21-27.~~ No change

~~22-28.~~ No change

~~23-29.~~ "Dependent child" means a child as defined at A.R.S. § ~~46-101(5)~~ 46-101(8).

~~24-30.~~ "Disregards" means those income deductions which that the Department applies to the family's or the assistance unit's gross countable earned income to determine eligibility and benefit amount.

~~25-31.~~ No change

~~26-32.~~ "Earned income" means any monetary gain to the family or the assistance unit as defined in 45 CFR 233.20(a)(6)(iii) through (viii) (October 1994) which is incorporated by reference and on file with the Office of the Secretary of State and not including any later amendments or editions, and in Article 5 of this Chapter.

~~27-33.~~ No change

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28. ~~“EMPOWER project” means the Arizona welfare reform project approved by the U.S. Department of Health and Human Services pursuant to 42 U.S.C. 1315. Under the EMPOWER project, Arizona has federal approval to deviate from certain provisions of the federal law governing operation of the CA, Food Stamp, and JOBS programs.~~
- 29-34. No change
- 30-35. No change
- 34-36. No change
- 32-37. No change
- 33-38. No change
39. “Family” means the following individuals living in the same home with:
- a. A head of household caretaker relative:
 - i. A dependent child.
 - ii. Parent or parents of the dependent child.
 - iii. Spouse of the parent or parents of the dependent child.
 - iv. The head of household caretaker relative.
 - v. The spouse of the head of household caretaker relative.
 - vi. Minor siblings of the dependent child.
 - vii. Minor children of the head of household caretaker relative, and
 - viii. Minor children of the spouse of the head of household caretaker relative, or
 - b. A minor parent requesting CA under R6-12-608:
 - i. The minor parent or parents.
 - ii. The minor parent’s child.
 - iii. The minor parent’s adult caretaker relative.
 - iv. The spouse of the minor parent’s adult caretaker relative.
 - v. Minor parent’s minor siblings or step-siblings.
 - vi. Minor children of the adult caretaker relative, and
 - vii. Minor children of the spouse of adult caretaker relative.
- 34-40. No change
- 35-41. No change
42. “Gross Income” means countable income available to a family and an assistance unit for the purpose of computing the net income amount that is used to determine the income eligibility of a family and the cash benefit amount for an assistance unit.
43. “Hardship” means a situation that causes suffering or distress through the deprivation or loss of basic needs. The hardship must prevent an adult assistance unit member, the caretaker relative head of household, the spouse of the caretaker relative head of household, or the minor parent head of household from working or engaging in work activities to a degree that such person is prevented from financially supporting the eligible dependent child in the assistance unit, independent of CA.
44. “Head of household” means a dependent child’s parent or the spouse of the parent, or the dependent child’s nonparent relative or spouse of the nonparent relative, who receives Cash Assistance for him (or her)self and on behalf of the dependent child or only on behalf of the dependent child. A.R.S. § 46-101(13).
- 36-45. No change
46. “Homeless” means all assistance unit members meet either of the following criteria:
- a. They do not have a fixed or regular nighttime residence.
 - b. They have as their primary nighttime residence one of the following:
 - i. A supervised shelter designed to provide temporary shelter to homeless persons;
 - ii. A half-way house or similar institution that provides temporary residence;
 - iii. A rent-free accommodation in the residence of another person for not more than 90 days; or
 - iv. A place not designed, or ordinarily used, for sleeping. This includes the following:
 - (1) Car.
 - (2) Bus station.
 - (3) Hallway.
 - (4) Park, or
 - (5) Sidewalk.
- 37-47. No change
- 38-48. “Income” means earned and unearned income combined available to a family or an assistance unit.
- 39-49. No change
- 40-50. No change
- 41-51. No change
52. “Lawful Permanent Resident” means a noncitizen who has been granted authorization by the United States Citizen and Immigration Service to live and work in the United States on a permanent basis.

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- ~~42-53.~~ No change
~~43-54.~~ No change
~~44-55.~~ No change
~~45-56.~~ No change
 a. No change
 b. No change
 c. No change
~~46.~~ “Mandatory member” or “mandatory member of the assistance unit” means any natural or adoptive parent, and any blood related or adoptive sibling, of a dependent child, if the parent or sibling lives in the same household with the dependent child and is otherwise eligible for assistance.
~~47-57.~~ “Need standard” means the money value the state assigns to the basic and special needs deemed essential for applicants and recipients an assistance unit.
~~58.~~ “Needy family” means the same as A.R.S. § 46-101(16).
~~48-59.~~ “Net income” means the assistance unit’s total gross income, less applicable disregards minus the monthly earned income disregards under R6-12-703, which Net income is used to compute the benefit amount determine the income eligibility of a family and a cash benefit amount for an assistance unit.
~~60.~~ “Non-parent relative” means a dependent child’s grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, niece, nephew, or cousin and includes a permanent guardian who is appointed pursuant to A.R.S. § 8-872, A.R.S. § 46-101(17).
~~49.~~ “NPCR” or “Non-parent caretaker relative” means a person, other than a parent, who is related by blood, marriage, or lawful adoption to the dependent child and who maintains a family setting for the dependent child and exercises responsibility for the day-to-day care of the dependent child.
~~50-61.~~ No change
~~51-62.~~ No change
~~52-63.~~ No change
~~53-64.~~ No change
~~54-65.~~ No change
~~55-66.~~ No change
~~56-67.~~ No change
~~57-68.~~ No change
~~58-69.~~ No change
~~59-70.~~ No change
~~60-71.~~ No change
~~61-72.~~ No change
~~62-73.~~ “Projected income” means an estimate of income that ~~an applicant or recipient~~ a family or an assistance unit reasonably expects to receive in a specific month, the actual amount of which is unknown but which is estimated from available and reliable information.
~~63-74.~~ No change
~~64-75.~~ No change
~~65-76.~~ No change
~~66-77.~~ No change
~~67-78.~~ No change
~~68.~~ “Recipient” means ~~a person who is a member of an assistance unit.~~
~~69-79.~~ No change
~~70.~~ “Resident” means ~~a person who meets the definition of A.R.S. § 46-292(A)(1).~~
~~71-80.~~ “Resources” means ~~the assistance unit’s real and personal property~~ available to an assistance unit.
~~72-81.~~ No change
~~73-82.~~ No change
~~74-83.~~ No change
~~75-84.~~ No change
~~76-85.~~ No change
~~77-86.~~ No change
~~78-87.~~ No change
~~79-88.~~ No change
~~80-89.~~ “TANF” means Temporary Assistance for Needy Families, which is a program administered by the Department to provide assistance to needy families with dependent children and child only cases under pursuant to 42 U.S.C. 601 et seq.
~~81-90.~~ No change
~~82-91.~~ No change

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83-92. No change

84-93. "TPEP" or "~~2-Parent~~ Two-parent Employment Program" means the CA program ~~which~~ that provides assistance for ~~needy~~ dependent children residing in a needy family who are deprived of parental support because the primary wage-earning parent is unemployed.

85-94. No change

~~86-95.~~ "Vendor payment" means a payment ~~which~~ that a person or organization who is not a member of the family or the ~~an~~ assistance unit makes to a ~~3rd-party~~ third-party vendor to cover family or assistance unit expenses.

96. "Violence" means battery or extreme cruelty inflicted on a head of household or any member of an assistance unit. Battery or extreme cruelty includes any of the following:

- a. Physical acts that threatened or resulted in physical injury;
- b. Threats of, or attempts at, physical or sexual abuse;
- c. Sexual activity involving a child;
- d. Being forced as the caretaker of a child to engage in non-consensual sexual acts or activities;
- e. Mental or emotional abuse; and
- f. Neglect or deprivation of basic necessities such as food or medical care.

87-97. No change

88-98. No change

R6-12-102. Confidentiality

A. No change

1. All personally identifiable information concerning an applicant, ~~or~~ recipient, or member of a family in the possession of the Department is confidential and not subject to public inspection, except as otherwise specified in A.R.S. § 41-1959 and this Section.
2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change

B. No change

1. No change
2. No change
3. No change

C. No change

1. No change
2. No change
3. No change
4. No change

D. No change

1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change

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ARTICLE 2. APPLICATION PROCESS AND PROCEDURES

R6-12-202. Request for Benefits; Composition of the Assistance Unit

- A. An applicant may ~~request~~ receive CA for any ~~person~~ eligible dependent child, and the parents, siblings, and nonparent relatives of the eligible dependent child living residing in the applicant's home who meet the CA financial and nonfinancial eligibility criteria.
- B. ~~A request for CA for a dependent child shall also include a request for benefits for the parents of the dependent child, and any siblings of the dependent child, who reside in the applicant's home. A parent or sibling in a family with an eligible dependent child:~~
 - 1. Shall be part of the assistance unit with the dependent child when the parent or sibling:
 - a. Requests CA' and
 - b. Meets all nonfinancial CA eligibility criteria, or
 - 2. Shall not be part of the assistance unit if the parent or sibling does not meet the requirements of subsection (1), but the Department shall consider their income and resources available to the assistance unit for the purpose of determining the amount of the cash benefit.
- C. An applicant who is the non-parent caretaker relative (NPCR) of a dependent child and who meets the requirements of R6-12-306(A)(4) may also ask to be included in the ~~CA grant~~ cash benefit.
- D. When ~~+~~ one NPCR cares for step-siblings or children who lack any sibling relationship, the NPCR and the children shall be included in the same ~~CA grant~~ cash benefit.
- E. No change
- F. No change

R6-12-203. Initial Eligibility Interview

- A. No change
- B. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - 5. No change
 - 6. Explain to the applicant ~~who:~~
 - a. Who is a mandatory member of shall be included in the family for the purpose of determining whether the assistance unit resides in a needy family.
 - b. Which family members may be included in the assistance unit, and
 - c. Which family member's income and resources shall be considered available to the assistance unit, and
 - d. ~~whom~~ Which family member the applicant may include as an optional member of the assistance unit.
 - 7. No change
 - 8. No change
 - a. No change
 - b. No change
 - c. No change
 - 9. No change
 - 10. No change
 - 11. No change
- D. No change
- E. No change

R6-12-205. Verification of Eligibility Information

- A. The Department shall obtain independent verification or corroboration of information provided by the applicant, ~~or recipient, or family member~~ when required by law, or when necessary to determine eligibility or benefit level.
- B. The Department may verify or corroborate information by any reasonable means including:
 - 1. No change

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2. No change
3. Asking the applicant, ~~or~~ recipient, or family member to provide written documentation, such as billing statements or pay stubs; and
4. No change
- C. The applicant, ~~or~~ recipient, or family member has the primary responsibility for providing all required verification. The Department shall offer to assist an applicant, ~~or~~ recipient, or family member who has difficulty in obtaining the verification and requests help.
- D. An applicant, ~~or~~ recipient, or family member shall provide the Department with all requested verification within 10 calendar days from the notice date of a written request for such information. When an applicant, recipient, or family member does not timely comply with a request for information, the Department shall deny the application as provided in R6-12-209(B).
- E. No change

R6-12-210. Six-month Review

- A. No change
- B. No change
- C. No change
- D. No change
- E. No change
 1. No change
 2. No change
 3. No change
- F. The Department shall verify the income of the needy family and the assistance unit's resources and income and any eligibility factors ~~which~~ that have changed or are subject to change. The Department may verify other factors if Department experience suggests the need for additional verification.

R6-12-211. Reinstatement of Benefits

- A. No change
- B. Notwithstanding subsection (A), the Department shall reinstate benefits within 10 calendar days when:
 1. No change
 2. No change
 3. The recipient files a request for fair hearing as provided in R6-12-1002 within 10 days of the notice date of the termination notice, unless the request is for continuance of benefits past the ~~24~~ 36-month limit ~~set forth at in R6-12-317~~ R6-12-318, the 60-month limit in R6-12-320, or the ~~6-month~~ six-month limit ~~set forth at in R6-12-611~~.
- C. No change

ARTICLE 3. NON-FINANCIAL ELIGIBILITY CRITERIA

R6-12-302. Applicant and Recipient Responsibility

- A. An applicant for or recipient of assistance shall cooperate with the Department as a condition of initial and continuing eligibility. The applicant or recipient shall:
 1. No change
 2. Inform the Department of all changes in income, assets, or other circumstances of the assistance unit affecting eligibility or the amount of the assistance payment within 10 days from the date the change becomes known; and
 3. No change
- B. No change
- C. As a condition of eligibility, except in a child only case, the Department shall require ~~as a condition of eligibility~~ the parent or NPCR to sign a Personal Responsibility Agreement when the parent or NPCR applies for benefits for a dependent child.
- D. No change
 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 2. No change
- E. No change

R6-12-303. Application for Other Potential Benefits

As a condition of eligibility, ~~a person an assistance unit member and any person whose income is considered available to the assistance unit~~ shall apply for all other cash benefits for which the person may be eligible, except SSI.

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R6-12-305. Citizenship and Alienage

- A. To qualify for CA, ~~a an person~~ assistance unit member shall be a United States citizen or a noncitizen legal alien who satisfies the requirements of PRWORA Section 431 and who meets eligibility requirements of PRWORA Section 402, not including any later amendments or editions, which are incorporated by reference and are available for inspection at the ~~Department's Authority Library~~ Department of Economic Security, 1789 West Jefferson, Phoenix, Arizona, and the Office of the Secretary of State, 1700 West Washington, Phoenix, Arizona.
- B. The Department shall verify legal alienage of assistance unit members for whom CA is requested by obtaining a person's alien registration documentation, or other proof of immigration registration, from the U.S. Immigration and Naturalization Service ~~9~~ (INS), or by submitting a person's alien registration number and other related information to the INS.
- C. A sponsor's income and resources shall not be included ~~in the~~ when determining income eligibility for a family determination or a cash benefit amount for the assistance unit when a lawful permanent resident noncitizen member of an assistance unit and any lawful permanent resident noncitizen whose income is considered available to the assistance unit verifies 40 quarters of employment history.
- D. No change

R6-12-307. Social Security Number

- A. To qualify for CA, ~~a an person~~ assistance unit member shall furnish a ~~social security~~ Social Security number (SSN). If a member of an assistance unit lacks an SSN, the Department shall assist the person in applying for a SSN through procedures established between the Department and the United States Social Security Administration (SSA).
- B. No change

R6-12-308. Family Benefit Cap

- A. The Department shall not provide CA to a child except as provided in subsection (C), born during a month when:
1. No change
 2. The child is born to a ~~mandatory member of a CA unit~~ parent who is ineligible for CA benefits due to noncompliance or failure to meet an eligibility requirement.
- B. No change
- C. No change
1. No change
 2. No change
 - a. No change
 - b. No change
 3. No change
 4. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - c. No change
 - d. No change
- D. An assistance unit ~~which~~ or family that includes a child who is ineligible due to the provisions of this Section may earn income up to the incremental benefit increase the assistance unit would otherwise receive for the ineligible child without any adverse affect on eligibility or the amount of countable income that is used to determine income eligibility or the cash benefit level amount. The Department shall disregard such income.
1. No change
 2. No change
- E. The Department shall not include a child who is ineligible for CA due to the provisions of this Section in the assistance unit's standard of need and shall not count the income and resources of the ineligible child available to the assistance unit.
- F. No change
1. No change
 2. No change
 3. No change
 4. No change
- G. No change

R6-12-309. Relationship

- A. To qualify for CA, a dependent child shall reside with at least ~~4~~ one of the following specified relatives:
1. No change
 2. No change
 3. A person who is within the ~~5th~~ fifth degree of kinship to the dependent child, including: grandmother, grandfather, brother, sister, uncle, aunt, ~~1st~~ first cousin, nephew, niece, persons of preceding generations as denoted by prefixes

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- “grand,” “great,” or “great-great,” great-great-great grandparents, and ~~1st~~ first cousins once removed; or
- 4. A spouse of any person named in the above groups, even if the marriage has been terminated by death or divorce;
- 5. A legal permanent guardian who is appointed pursuant to A.R.S. § 8-872; or
- 6. An unrelated adult only when the child is in the legal custody of the Department and placed in a foster home or with the unrelated adult.

B. No change

- 1. No change
- 2. No change
- 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change

C. No change

R6-12-313. Participation in JOBS; Exemptions; Good Cause Exceptions

A. No change

B. The following persons are exempt from participation:

- 1. No change
- 2. ~~Notwithstanding subsection (B)(1) above, a custodial parent or pregnant girl under age 16 who is assigned to the control group as prescribed in R6-12-105 is exempt;~~
- 3-2. No change
- 4-3. No change
- 5-4. No change

C. No change

D. No change

R6-12-316. Sanctions for Noncompliance

A. No change

- 1. No change
- 2. No change

B. No change

- 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- 2. No change
- 3. No change

C. No change

D. No change

- 1. No change
 - a. No change
 - b. No change
- 2. No change
 - a. No change
 - b. No change
 - c. No change

~~E. For sanctioned assistance units in the Control Group only, the Department shall:~~

- 1- ~~Restore cash benefits to 100% when:~~
 - a- ~~The assistance unit verifies compliance with JOBS or DCSE prior to the effective date of the sanction, and~~
 - b- ~~The assistance unit currently has no prior sanction months.~~
- 2- ~~Impose the next sanction received by the assistance unit at the 2nd (50%) level.~~

R6-12-317. Voluntary Quit/Reduction in Work Effort

- A. The Department shall disqualify the member of the assistance unit or the ~~household~~ assistance unit as described in R6-12-317(B) and (C) when a member of an assistance unit, or the parent of a dependent child whose income is considered available to the assistance unit, within 60 days prior to the date of the application or any time thereafter, voluntarily and with-

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out good cause:

1. No change
 - a. No change
 - b. No change
2. No change
3. No change
- B.** No change
- C.** No change
 1. No change
 2. No change
- D.** No change
 1. No change
 2. No change
 3. No change
- E.** No change
- F.** No change
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 8. No change
 9. No change
 - a. No change
 - i. No change
 - ii. No change
 - b. No change
 - c. No change
 - d. No change
 10. No change
 - a. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - d. No change

R6-12-318. Duration of Assistance – 36-month Time Limit

- ~~A.~~** ~~A person may receive CA benefits for no more than 24 months within any consecutive 60-month period, except that the 24-month limit shall not apply to a person who:~~
- ~~1. Is under 18 years of age;~~
 - ~~2. Is 62 years of age or older;~~
 - ~~3. Suffers from a physical or mental incapacity which prevents the person from engaging in employment or training as determined by a licensed physician or psychologist;~~
 - ~~4. Is required to remain in the home on a continuous basis to give full-time care to another member of the household who suffers from a physical or mental incapacity as determined by a licensed physician or psychologist, and no other member of the household is available to provide the needed care; or~~
 - ~~5. Is determined by JOBS Administration to be exempt because the person:~~
 - ~~a. Works in a JOBSTART subsidized placement pursuant to Article 13;~~
 - ~~b. Is a victim of domestic violence.~~
- B.** The Department shall remove the ineligible adult from the assistance grant at the end of the 24 eligible months but shall continue to provide benefits for other eligible assistance unit members:
1. The Department shall count the income and resources of the ineligible adult available to the assistance unit.
 2. The ineligible adult may serve as the payee for the assistance unit.

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- ~~C.~~ The Department shall calculate the 24-month limit, and the 60-month period, beginning with the 1st day of the calendar month the recipient is 1st eligible for benefits but shall not include any month prior to November 1, 1995, in the calculation. A month in which an adult is ineligible due to noncompliance with an eligibility requirement is counted towards the 24-month limit.
- ~~D.~~ The 24-month limit and 60-month period begin in the calendar month following the month the person reaches age 18.
- ~~E.~~ Once the 60-month time period begins, it continues for 60 consecutive months. A subsequent 60-month period begins the 1st eligible month following expiration of a prior 60-month period.
- ~~F.~~ The following shall not count against the 24-month limit:
 - 1. A month of initial eligibility with a prorated benefit amount;
 - 2. A month the assistance unit is eligible but receives no payment because the benefit amount is less than \$10;
 - 3. A retroactive benefit for any eligible month prior to November 1, 1995; or
 - 4. A month for which a cancelled or expired warrant is not replaced.
- ~~G.~~ An assistance unit which includes a person who is ineligible for CA due to the 24-month limit provisions of this Section may earn up to the incremental benefit amount otherwise payable for the ineligible person without any adverse affect on eligibility or benefit level. The Department shall disregard such income:
 - 1. The disregard shall equal the difference between the benefit amount with the needs of the ineligible adult included in the computation and the benefit amount with the needs of the ineligible adult exeluded from the computation.
 - 2. The Department shall apply the disregard after all other earned income disregards specified at R6-12-703 are first deducted.
- ~~H.~~ The Department shall conduct regular eligibility reviews as prescribed in R6-12-210 for an assistance unit which includes an adult who is ineligible because of the 24-month limit.
- ~~I.~~ A person who is ineligible for CA due to the 24-month limit may receive the following services, if otherwise eligible:
 - 1. AHCCCS;
 - 2. JOBS;
 - 3. Title IV-A child care; and
 - 4. Any other program or service for which a CA recipient categorically qualifies.
- ~~J.~~ The Department shall provide the assistance unit with written notice of the opportunity to apply for an extension at least 30 days prior to removing an ineligible adult from the assistance grant due to the 24-month limit.
- A. The Department shall not authorize cash benefits for a needy family, except in case of hardship, when any of the following apply:
 - 1. The needy family includes a head of household or the spouse of the head of household who has received 36 countable months of cash benefits in the Arizona CA program for himself or herself.
 - 2. The needy family includes an ineligible parent or the spouse of the ineligible parent who has received 36 countable months of cash benefits in the Arizona CA program for an eligible dependent child.
 - 3. The needy family includes an adult non-parent relative head of household or the spouse of the non-parent relative head of household who has received 36 countable months of cash benefits in the Arizona CA program for an eligible dependent child.
- B. Time limited assistance shall not apply to a child only case.
- C. The Department shall count each payment month, regardless of the source of funding for the program, until a limit of 36 countable months is reached. The 36 countable months are not required to be consecutive.
- D. The Department shall begin counting the 36 months beginning with the first countable payment received in the Arizona CA program on or after October 1, 2002.
- E. The Department shall not count the following months toward the 36-month time limit:
 - 1. A month in which CA was received in a child only case;
 - 2. A month in which CA was received by an assistance unit while residing on an Indian reservation that has a 50% or higher unemployment rate;
 - 3. A month in which the CA payment amount was less than a full benefit month payment due to the date of an initial application;
 - 4. A month in which the a head of household or the spouse of the head of household or an ineligible parent or the spouse of the ineligible parent received CA as a minor child who was not the head of household or the spouse of the head of household;
 - 5. Any month in which the assistance unit receives a payment in the CA Grant Diversion option. This includes each of the months for which the Grant Diversion payment is intended to cover;
 - 6. Any month in which the assistance unit was totally ineligible for a cash benefit payment due to an overpayment of benefits that must be repaid to the Department;
- F. Under no circumstances, except as provided in R6-12-319, shall the Department authorize CA beyond the federal 60-month time limit under R6-12-320.

R6-12-319. Extension of the 24-month Limit Time Limited Assistance

- ~~A.~~ A recipient may request an extension of the 24-month limit by filing a written request with the Department within 10 cal-

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endar days from the date of the notice prescribed in R6-12-318(J). The request shall include the reason for an extension. The Department shall consider the mailing date of the request to apply for an extension as the filing date.

1. The Department shall accept an extension request filed on or before the last day of the 24th eligible month, or last day of an eligible extension month, if the recipient establishes good cause for not filing the extension application within 10 calendar days from the notice date of the opportunity to apply for an extension.
2. For the purpose of this Section, the following circumstances shall constitute good cause:
 - a. The recipient was ill or incapacitated;
 - b. The recipient had a crisis, emergency, or death in the recipient's immediate family; or
 - c. Other similar circumstances beyond the recipient's control which prevented the recipient from filing the extension application within the 10-day period.
- B.** The Department may grant an extension of the 24-month limit if the recipient demonstrates a good faith effort to find and accept employment with gross monthly earnings which are at least equal to the incremental benefit amount otherwise payable for the ineligible adult.
- C.** To qualify for an extension, the recipient shall establish that he or she has followed a course of action throughout the period of CA eligibility which is reasonably designed to result in employment and which demonstrates a willingness to work. The Department shall determine good faith from the recipient's entire course of action and may consider the following actions as evidence of a good faith effort to secure employment:
 1. Complying with the terms of the JOBS employability plan developed for the person;
 2. Making application with employers who may reasonably be expected to have openings suitable for the person;
 3. Responding to newspaper advertisements or other job listings for work which appear suitable for the person;
 4. Applying for employment with former employers when the person terminated the employment in good standing;
 5. Registering for suitable work with the Department's Job Service, a private employment agency, or an employer's placement facility;
 6. Registering with a placement facility of a school, college, or university if one is available to the person in his or her occupation or profession;
 7. Registering and continuing follow-up checking with the person's union hiring or placement facility;
 8. Registering with a placement facility of the person's professional organization;
 9. Making application or taking examination for openings in the civil service of a governmental unit; or
 10. Other similar or comparable action which demonstrates an effective means of seeking work suitable to the person.
- D.** The recipient has the burden to prove the inability to earn income at least equal to the amount of the benefit that the recipient became ineligible to receive, despite a good faith effort to do so.
- E.** To qualify for an extension, the recipient shall:
 1. Make at least 3 contacts, as prescribed in subsection (C) above, each month throughout the period of CA eligibility; and
 2. Provide verification of the efforts taken to secure employment:
 - a. At each 6-month eligibility review; and
 - b. When an extension is requested.
- F.** In making the determination of a good faith effort to secure employment, the Department shall consider the customary methods of obtaining work in the person's usual occupation, or other work for which the person is reasonably suited, and the current condition of the local labor market.
- G.** A person is deemed to have failed to make a good faith effort to seek work if the person has willfully followed a course of action designed to discourage prospective employers from hiring the person for suitable work.
- H.** The Department shall not grant an extension to a person who:
 1. Cannot demonstrate a good faith effort to find and accept employment as prescribed in subsections (C) and (E);
 2. Refuses, without demonstrating good cause, to accept a bona fide offer of employment which would provide income at least equivalent to the portion of the CA grant for which the person is no longer eligible;
 3. Cannot demonstrate or refuses to produce a good cause reason for not accepting an offer of employment that the Department is aware has been made and which would provide income at least equivalent to the portion of the CA grant for which the person is no longer eligible;
 4. Cannot demonstrate or refuses to produce a good cause reason for voluntarily quitting a job;
 5. Is discharged from a job for reasons of misconduct as prescribed in 6 A.A.C. 3, Article 51;
 6. Cannot demonstrate or refuses to produce a good cause reason for voluntarily acting to reduce employment earnings; or
 7. Cannot demonstrate that the person has cooperated with the Department during the extension application process.
- I.** For the purpose of this Section, good cause is limited to the following circumstances which prevent the person from finding, accepting, or maintaining employment:
 1. The person is ill or incapacitated;
 2. The person could not report to the work site due to a lack of public or private transportation;
 3. The person was incarcerated or ordered to make a court appearance, and the total circumstances were beyond the per-

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- son's control;
- 4. ~~The person had an emergency or death in the person's immediate family;~~
- 5. ~~Severe weather conditions prevented the recipient and other persons similarly situated from traveling to or participating in the employment activity;~~
- 6. ~~The person has been referred to a job or employment which is the subject of a strike, lockout, work stoppage, or other bona fide labor dispute;~~
- 7. ~~The person lacks available and appropriate child care; or~~
- 8. ~~Other similar circumstances beyond the person's control.~~
- J.** ~~The Department shall grant an extension of eligibility for 6 months at a time, if the assistance unit continues to meet all CA eligibility requirements.~~
- A.** The Department shall authorize cash benefits to an assistance unit that is ineligible due to the time limited restrictions in R6-12-318 or R6-12-320 when:
 - 1. An assistance unit or the caretaker relative head of household who receives CA only for an eligible dependent child, requests an extension due to hardship;
 - 2. The assistance unit meets all financial and non-financial eligibility criteria; and
 - 3. The assistance unit or the caretaker relative head of household verifies that at least one of the hardship reasons in this Section exists. The claimed hardship shall be valid only when the hardship circumstances prevent the adult assistance unit member, the minor parent head of household, the caretaker relative head of household, or the spouse of the caretaker relative head of household from working or engaging in work activities to a degree that such person is prevented from financially supporting the eligible dependent child in the assistance unit, independent of CA.
- B.** Hardship may exist in any of the following situations:
 - 1. An adult assistance unit member, a minor parent head of household, the caretaker relative head of household, or the spouse of the caretaker relative head of household has a physical or mental impairment that is expected to continue for more than 30 days and that prevents that person from working or engaging in work activities.
 - 2. An adult assistance unit member, a minor parent head of household, the caretaker relative head of household, or the spouse of the caretaker relative head of household is required to be a full-time caregiver, as verified by an acceptable medical source, and all of the following apply:
 - a. The caregiver is providing services to one of the following disabled family members:
 - i. A dependent child or a disabled adult child,
 - ii. A parent, or
 - iii. A spouse or domestic partner.
 - b. The caregiver does not receive respite care for more than 20 hours each week,
 - c. No other person is available to be the full-time caregiver to the disabled family member, and
 - d. The disabled family member does not attend school or vocational rehabilitation for more than 20 hours each week.
 - 3. An assistance unit member or any member of the needy family is a victim of one of the following that prevents an adult assistance unit member, the minor parent head of household, a caretaker relative head of household, or the spouse of the caretaker relative head of household from working or engaging in work activities:
 - a. Violence,
 - b. Crime, or
 - c. Domestic violence.
 - 4. The assistance unit or the needy family is homeless.
 - 5. An adult assistance unit member, a minor parent head of household, the caretaker relative head of household, or the spouse of the caretaker relative head of household is participating full-time in one of the activities listed in subsection (B)(5)(a), is complying with the requirements listed in subsection (B)(5)(b), and is unable to complete the activity without continuing to receive CA.
 - a. Activities:
 - i. A postsecondary education program offered by a university, college, or community college, that will result in an Associate's or Bachelor's degree;
 - ii. A program offered by a vocational, technical, or recognized school that will result in a diploma or certificate for a job skill directly related to obtaining self-supporting employment in a recognized occupation;
 - iii. A job training or employment activity assigned by the JOBS Program as part of the member's employability plan.
 - b. Requirements:
 - i. The member must have started participation in the educational or training program prior to the member receiving 30 countable months of CA.
 - ii. The member shall demonstrate successful progress toward completion of the educational or training program. Successful progress includes meeting a reasonable time limit for completion of the educational or training program.

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- iii. The member shall consistently sustain a passing grade or acceptable grade point average, as determined by the educational or training program.
- 6. An adult assistance unit member, a minor parent head of household, the caretaker relative head of household, or the spouse of the caretaker relative head of household is prevented from working or engaging in work activities due to either of the following:
 - a. Childcare is unavailable or unaffordable, or
 - b. Transportation is not readily available or affordable.
- 7. The adult assistance unit member or the caretaker relative head of household is both of the following:
 - a. A non-parent caretaker relative to the minor dependent child receiving CA, and
 - b. Age 60 or older.
- 8. When the assistance unit or the caretaker relative head of household claims that hardship exists for a reason other than one contained in this Section, the Department shall assess the situation and determine whether the claim of hardship is valid based on verification provided by the assistance unit or the caretaker relative head of household and may grant an extension based on those circumstances.

R6-12-320. Extension of 24-month Limit to Complete Education or Training

- ~~A. A recipient may receive a maximum of 24-month extensions of the 24-month limit to allow the recipient to complete an education or job training program designed to help the recipient become self-sufficient.~~
- ~~B. A recipient may request an extension to complete education or training by filing a written request with the Department within 10 calendar days from the notice date of the opportunity to apply for an extension provided to the recipient. The Department shall consider the mailing date of the request to apply for an extension as the filing date.~~
 - ~~1. The request shall include the reason for an extension.~~
 - ~~2. A separate request is required for each 4-month extension.~~
- ~~C. In order to qualify for an extension to complete education or training:~~
 - ~~1. The person shall participate full-time in:~~
 - ~~a. A postsecondary education program of study offered by a university, college, or community college, which will result in an Associate or Bachelor's degree;~~
 - ~~b. A program or course of study offered by a vocational, technical, or recognized proprietary school which will result in a diploma or certificate for a job skill directly related to obtaining self-supporting employment in a recognized occupation; or~~
 - ~~c. A job training or employment activity approved by JOBS which is consistent with the person's employability plan;~~
 - ~~2. The educational or training program must have started before the end of the 24-month period;~~
 - ~~3. The person must be expected to complete the education or training program during the extension periods;~~
 - ~~4. The person shall demonstrate successful progress toward completion of the educational or training program;~~
 - ~~a. Successful progress toward completion of an educational or training program means that the person is meeting, on a periodically measured basis of less than 1 year, such as quarterly, a consistent standard of progress based upon a written policy developed by the educational institution or training program in which the person is enrolled.~~
 - ~~b. Such standard includes both a qualitative measure of a person's progress, such as competency gains, Grade Point Average necessary to obtain a degree or certificate, or proficiency level, and a quantitative measure, such as a reasonable time limit for completion of the educational or training program; and~~
 - ~~5. The assistance unit shall continue to meet all other CA eligibility requirements.~~

R6-12-320. Duration of Assistance – Federal 60-month Time Limit

- ~~A. The Department shall not authorize cash benefits to the assistance unit when the head of household or the spouse of the head of household has received 60 countable months of cash benefits for himself or herself, funded in whole or in part by the Temporary Assistance for Needy Families block grant in Arizona or any other state or United States territory or from a tribal Temporary Assistance for Needy Families CA program, unless the assistance unit is eligible for a hardship extension under R6-12-319.~~
- ~~B. The Department shall count each payment month until a limit of 60 months is reached. The 60 countable months are not required to be consecutive.~~
- ~~C. The Department shall begin counting the 60 months beginning with the first payment received on or after October 1, 2002.~~
- ~~D. The Department shall not include the following months toward the 60-month time limit:~~
 - ~~1. Any month before October 1, 2002 in which the recipient received CA in Arizona or in any other state;~~
 - ~~2. Any month before October 1, 2002, in which the recipient received CA in a tribal TANF program in any state other than Arizona;~~
 - ~~3. Any month before October 1, 2002, in which the recipient received CA in an Arizona tribal TANF program when that month was not countable toward the 60-month time limit in that tribal TANF program;~~

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4. Any month in which the recipient resides on an Indian reservation that has a 50% or higher unemployment rate based on the Bureau of Indian Affairs (B.I.A.) Market Information Report;
5. A month when the assistance unit is eligible but receives no CA payment because the benefit is less than \$10;
6. A month when the assistance unit is ineligible due to an overpayment;
7. Any month in which the assistance unit receives a payment in the Grant Diversion option. This includes each of the months for which the Grant Diversion payment is intended to cover.

R6-12-321. Hardship Verification Requirements

A. Hardship due to a physical or mental impairment.

1. An adult assistance unit member, a minor parent head of household, the caretaker relative head of household, or the spouse of the caretaker relative head of household that claims hardship as specified in R6-12-319(B)(1) shall provide one of the following items:
 - a. A signed statement from a treatment provider or acceptable medical source;
 - b. Disability verification from the Veterans Administration;
 - c. Vocational Rehabilitation documents, examinations, or evaluations signed by a treatment provider.
2. The verification items specified in subsection (A)(1) shall include all of the following information:
 - a. A statement indicating that the individual's physical or mental condition prevents working or engaging in work activities;
 - b. The duration of the disability;
 - c. A prognosis of recovery; and
 - d. The signature of the treatment provider or acceptable medical source.
3. When the assistance unit member is a current JOBS program participant whose participation is deferred due to disability, no further verification of disability is required.

B. Hardship due to being a full-time caregiver.

1. An adult assistance unit member, a minor parent head of household, the caretaker relative head of household, or the spouse of the caretaker relative head of household who claims hardship as specified in R6-12-319(B)(2) shall provide a signed statement from a treatment provider, verifying the member is needed as a full-time caregiver of their disabled child, parent, spouse, or domestic partner.
2. An adult assistance unit member, minor parent head of household, caretaker relative head of household, or spouse of the caretaker relative head of household who receives respite care services shall provide verification of these services from the respite care provider. The verification shall indicate the number of hours per week that the person receives these services.
3. When a disabled individual is attending school, the individual shall provide verification from the school or vocational rehabilitation program of the number of hours per week the individual is in attendance.

C. Hardship due to violence, crime, or domestic violence.

1. An adult assistance unit member, a minor parent head of household, the caretaker relative head of household, or the spouse of the caretaker relative head of household who claims hardship as specified in R6-12-319(B)(3) shall provide verification from at least one of the following sources:
 - a. Court records;
 - b. Police reports;
 - c. Law Enforcement records;
 - d. Restraining Orders or Orders of Protection against the perpetrator or abuser;
 - e. Statements by attorneys or other legal professionals providing services to the victim of abuse or violence;
 - f. Child Protective Services records;
 - g. Written statements by medical professionals including physicians, psychologists, psychiatrists, counselors, or other treatment providers;
 - h. Written statements by domestic violence shelter staff;
 - i. Statements by clergy;
 - j. Statements by a third person with knowledge of the abuse or violence, such as a friend or relative to whom the member or assistance unit has fled to escape or avoid abuse or violence;
 - k. Receipt of Victims of Crime Act (VCA) benefits.
2. Any other evidence that supports the claim that the assistance unit member or family member is a victim of abuse or violence.
3. When the assistance unit member is a current JOBS program participant and is deferred from participating due to domestic violence, no further verification is required.

D. Hardship due to Homelessness. An adult assistance unit member, a minor parent head of household, or the caretaker relative head of household who claims hardship as specified in R6-12-319(B)(4) shall provide verification from at least one of the following sources:

1. A written statement by staff at a shelter, halfway house, or similar facility that provides temporary residence to homeless individuals or families verifying that the assistance unit, minor parent head of household, or caretaker relative

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- head of household is a resident of the facility:
2. A written statement by the assistance unit member, minor parent head of household, or caretaker relative head of household that includes a description of where the household is residing when it does not have a fixed or regular nighttime residence;
 3. A written statement by the assistance unit member, minor parent head of household, or caretaker relative head of household when the household is temporarily living with others. The statement must indicate that the residential situation is temporary and the date the assistance unit, minor parent head of household, or caretaker relative head of household expects to have its own residence;
 4. Any other verification that reasonably supports the assistance unit member's, minor parent head of household's, or caretaker relative's head of household's claim of homelessness.
- E.** Hardship due to Educational or Training Program Completion. An adult assistance unit member, minor parent head of household, caretaker relative head of household, or spouse of a caretaker relative head of household who claims hardship as specified in R6-12-319(B)(5) shall provide the following verification:
1. A statement from the educational or training program that includes the following:
 - a. The enrollment status of the individual.
 - b. The date that the individual began participation in the program and the anticipated completion date, and
 - c. Verification that the individual is making satisfactory progress toward completion of the program.
 2. A statement from the assistance unit member or caretaker relative head of household that explains the need for additional CA benefits in order for the individual to successfully complete the Educational or Training program.
- F.** Hardship due to Childcare or Transportation being Unavailable or Unaffordable.
1. An adult assistance unit member, a minor parent head of household, the caretaker relative head of household, or the spouse of the caretaker relative head of household who claims hardship as specified in R6-12-319(B)(6)(a) shall provide the following items:
 - a. A statement by the assistance unit member or caretaker relative head of household explaining the reasons the individual has been unable to find or afford childcare, including the availability of affordable childcare in their area; and
 - b. Documents that demonstrate the individual's efforts to find or afford childcare.
 2. An adult assistance unit member, a minor parent head of household, the caretaker relative head of household or the spouse of the caretaker relative head of household who claims hardship as specified in R6-12-319(B)(6)(b) shall provide a statement explaining the reasons that transportation is not readily available or affordable, including the availability of affordable public and private transportation in their area.
- G.** Hardship due to other reasons. An adult assistance unit member, a minor parent head of household, the caretaker relative head of household or the spouse of the caretaker relative head of household who claims hardship as specified in R6-12-319(B)(8) shall provide a statement that explains the hardship circumstance and the need for additional CA benefits. The individual shall provide any documentary verification of the hardship circumstance that is requested by the Department in order to determine the need for additional CA benefits.

ARTICLE 4. FINANCIAL ELIGIBILITY; RESOURCES

R6-12-401. Treatment of Resources; Limitations

- A. In determining eligibility for a cash benefit, the Department shall include all resources available to the assistance unit, unless excluded by applicable law.
- B. No change

R6-12-402. Treatment of Resources by Ownership Status; Availability

- A. ~~The Department shall consider the resources belonging to the persons listed in this subsection~~ to an assistance unit member available to the assistance unit.
 1. ~~An assistance unit member;~~
 2. ~~A mandatory member of the assistance unit who is ineligible for CA for failure to comply with an eligibility requirement;~~
 3. ~~A mandatory member of the assistance unit who is ineligible due to disqualification for Intentional Program Violation, as provided in Article 12;~~
 4. ~~A stepparent who makes resources available to the assistance unit;~~
 5. ~~The sponsor of a noncitizen, as provided in R6-12-603.~~
- B. The Department shall consider the resources of the following individuals available to the assistance unit:
 1. A dependent child's parent and minor sibling, when residing with a dependent child in an assistance unit, even when the parent or minor sibling:
 - a. Has not requested CA;
 - b. Is ineligible for CA for failure to comply with an eligibility requirement; or
 - c. Is ineligible for CA due to disqualification for Intentional Program Violation, as provided in Article 12;
 2. A stepparent, when residing with a dependent child in an assistance unit and the dependent child's parent, who makes

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resources available to the assistance unit or the dependent child's parent;

C. The Department shall consider the resources belonging to the sponsor of a noncitizen, as provided in R6-12-506, available to the assistance unit.

~~B-D.~~ The Department shall consider the resources of the persons listed in this subsection unavailable to the assistance unit.

1. No change

2. No change

3. No change

4. ~~An ineligible noncitizen sibling of a dependent child in the assistance unit;~~

5. ~~An ineligible noncitizen parent;~~

~~6-4.~~ A dependent child who is not included in the assistance unit due to receipt of adoption assistance or foster care payments under Title IV-E of the Social Security Act or who is ineligible for CA due to the family benefit cap.

~~C-E.~~ No change

1. No change

2. No change

3. No change

~~D-E.~~ The Department shall consider the following resources unavailable to the assistance unit and to any other person whose resources are considered available to the assistance unit:

1. Property subject to a spendthrift restriction. Such property may include:

a. Irrevocable trust funds that are prohibited by a court from being disbursed to the beneficiary who is an assistance unit member or to any other person whose resources are considered available to the assistance unit. When such funds may be disbursed by court order, the beneficiary or appropriate assistance unit member shall petition the court for disbursement of the funds;

b. No change

2. No change

3. No change

4. Resources belonging to a member of the needy family except as to those family members listed in subsections (A), (B), and (C).

R6-12-403. Treatment of Resources; Exclusions

~~A.~~ The Department shall exclude the equity value of the resources listed below, as provided in this Section. These resource exclusions shall also apply to a person whose resources are considered available to an assistance unit.

1. No change

2. No change

3. No change

4. Up to \$1500 of the value of ~~4~~ one bona fide funeral agreement, for each member of the assistance unit. The funeral agreement or burial plan must cover only funeral-related expenses, as evidenced by a written contract;

5. The value of 4 all motor vehicle vehicles, including recreational vehicles, regularly used for transportation. If the unit owns more than 1 vehicle, the exclusion is applied to the vehicle with the highest equity value, and the equity value of all remaining vehicles is counted, subject to the limitations described in this Section;

6. ~~In addition to the exclusion described in subsection (A)(5), the Department shall exclude the value of the following vehicles:~~

~~a. A vehicle used to produce income; and~~

~~b. When the household has a member who is an SSI recipient:~~

~~i. The value of any vehicle in which the SSI recipient has an ownership interest; and~~

~~ii. The value of any vehicle used for medical treatment, employment, or transportation of a disabled child, and which is excluded by SSI for that reason;~~

~~7-6.~~ When the an assistance unit member owns real property, other than the usual residence described in subsection (A)(1) above, and is making a good faith effort to dispose of it, the equity value shall be excluded for 6 six months, subject to the conditions listed in this subsection;

a. The applicant assistance unit member shall sign an agreement to:

i. No change

ii. No change

b. No change

c. If the assistance unit member does not dispose of the property within 6 six months, the Department shall write an overpayment and the assistance unit shall repay any assistance received during that period;

7. A financial account that is used only for a self-employment business;

8. Funds in the following types of retirement accounts or retirement plans, established by employers in accordance with federal Internal Revenue Services regulations:

a. A 401A or 401K plan.

b. A 457 or 457(b) plan.

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- c. A Federal Employees Thrift Savings Plan.
- d. An Irrevocable Annuity plan.
- e. A KEOGH plan that involves a contract with a person who is not an assistance unit member.
- f. A Section 403(a) or 403(b) plan.
- g. A Section 408 or 408A plan.
- h. A Section 501(c)(18) or 501(g)(18) plan;
- 9. Funds in the following educational savings accounts operated by a state or educational institution in accordance with federal Internal Revenue Services regulations:
 - a. A 529 account;
 - b. A 530 account;
- 10. Educational grants issued under programs administered by the U.S. Commissioner of Education, when the assistance is made available for school attendance costs, including the following:
 - a. BEOG/PELL, SEOG and NDSL grants;
 - b. Work Study programs;
 - c. Assistance provided by the Carl D. Perkins Vocational and Applied Technology Education Act;
- 11. Any grant, scholarship, educational loan, or other award that is not administered by the U.S. Commissioner of Education, when such assistance covers the costs of items not included in the CA need standard;
- 12. The cash value of a grazing permit issued by a tribal or other governmental authority, when the land used for the grazing permit is adjoining a permit holder's homestead;
- 13. Any amount up to \$2000 received from the following American Indian claims or funds:
 - a. Alaska Native Claims Settlement Act payments received under the Sac and Fox Indian claims agreement as specified in Public Law 92-203, Section 21(a);
 - b. Per capita payments from judgment funds awarded by the Indian Claims Commission of the U.S. Court of Federal Claims as specified in Public Law 97-458 for the Colorado River Indians;
 - c. Individual Indian's interests in trust or restricted lands and payments from these interests as specified in Public Law 103-66. Interests include the Indian's right to or legal share of the trust or restricted land and any income accrued;
 - d. The Indian Gaming Industry per capita disbursement funds placed in an inaccessible trust by the tribe as specified in Public Law 98-64;
 - e. Payments made to members of Indian tribes in settlement for land as specified in Public Law 100-580;
- 14. Money loaned to the assistance unit from any source and for any purpose;
- 15. Funds received from the Navajo Nation Needy Children's Fund;
- 16. Payments made by the Federal Emergency Management Agency (FEMA) or Federal Disaster Relief Act for any of the following:
 - a. Federal major disaster;
 - b. Natural catastrophe;
 - c. Emergency assistance;
 - d. Comparable disaster assistance provided by states, local governments, and disaster assistance organizations;
- 17. When self-employment from farming is terminated, farm property, including land, equipment and supplies shall be excluded as a resource for 12 months. This period of exclusion begins on the date the self employment from farming stops;
- 18. Funds available from sources of excluded income contained in R6-12-503(8), (13), (15), (22), (38), (39), (40), (41), (42), and (43);
- 8-19. Any other resource specifically excluded by state or federal law.

R6-12-405. Resource Transfers; Limitations

- A. An applicant or recipient assistance unit member or the parent of a dependent child in the assistance unit shall not transfer a resource with the intent to qualify or attempt to qualify for CA within + one year prior to application or while receiving assistance, unless fair consideration was received.
- B. Except as otherwise provided in this Section, when a an applicant or recipient assistance unit member or the parent of a dependent child in the assistance unit does not receive fair consideration for a transferred resource (an improper transfer), the assistance unit shall be ineligible for CA.
 - 1. No change
 - 2. No change
- C. No change
- D. No change
- E. If an applicant or recipient assistance unit member or the parent of a dependent child in the assistance unit disposes of homestead property, the Department shall count, as a resource, all proceeds of the sale not reinvested in homestead property, when the applicant or recipient assistance unit member:
 - 1. No change

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2. No change
3. No change

R6-12-406. Resource Verification

The Department shall verify all resources before determining ~~income~~ an assistance unit's eligibility for a cash grant and benefit amount.

ARTICLE 5. FINANCIAL ELIGIBILITY; INCOME

R6-12-501. Treatment of Income; In General

- A. In determining the income eligibility of the family and benefit amount for the assistance unit, the Department shall treat all income ~~of the assistance unit~~ in accordance with the provisions of this Article.
- B. ~~As used in this Section, the term "Gross income"~~ shall include the following, when actually received by the family in order to determine whether the family is needy, or by the assistance unit in order to determine a cash benefit amount:
 1. ~~Gross earned~~ Earned income from public or private employment, including in-kind income, before deductions;
 2. No change
 3. No change
 4. Minus those types of income excluded under R6-12-503.
- C. ~~The Department shall consider all gross income available to the assistance unit in determining eligibility and benefit amount except for those types of income excluded under R6-12-503.~~

R6-12-502. Income Available to the Assistance Unit

- A. The Department shall consider the income of ~~the persons listed in this subsection~~ an assistance unit member available to the assistance unit for the purpose of determining a cash benefit amount.
 1. ~~An assistance unit member;~~
 2. ~~A mandatory member of the assistance unit who is ineligible for CA for failure to comply with an eligibility requirement;~~
 3. ~~A mandatory member of the assistance unit who is ineligible due to disqualification for Intentional Program Violation, as provided in Article 12;~~
 4. ~~A dependent child's parent who is excluded from the assistance unit for failure to meet an eligibility requirement;~~
 5. ~~The spouse of an NPCR if the NPCR is included in the assistance unit.~~
- B. ~~The Department shall deem the income of the persons listed in this subsection available to meet the needs of the assistance unit, pursuant to the applicable deeming procedures set forth in R6-12-603, R6-12-605, R6-12-607, and R6-12-608.~~
 1. ~~The sponsor of a noncitizen.~~
 2. ~~A dependent child's parent who is a noncitizen admitted to the United States pursuant to 8 U.S.C. 1255(a) or 1160, as amended through October 25, 1994, which is incorporated by reference and on file with the Office of the Secretary of State and not including any later amendments or editions, unless such parent is eligible for inclusion in the assistance unit pursuant to R6-12-305(A).~~
 3. ~~A stepparent who lives in the household with a dependent child but who is not included in the assistance unit.~~
 4. ~~A parent of a minor parent who lives in the household with the minor parent and the dependent child.~~
- B. The Department shall consider the income of a parent and minor sibling of a dependent child in an assistance unit as available to the assistance unit for the purpose of determining a cash benefit amount when those persons reside with the dependent child. The income shall be considered available even when the parent or minor sibling:
 1. Has not requested CA;
 2. Is ineligible for CA for failure to comply with an eligibility requirement; or
 3. Is ineligible for CA due to disqualification for Intentional Program Violation, as provided in Article 12;
- C. The Department shall consider the income belonging to the sponsor of a noncitizen, as provided in R6-12-506, available to the assistance unit for the purpose of determining a cash benefit amount.

R6-12-503. Income Exclusions

The Department shall not count the types of income listed in this Section when determining the income of a family and the income of an assistance unit. These income exclusions shall also apply to a parent or minor sibling of a dependent child in an assistance unit when the parent or minor sibling resides with the assistance unit but is not an assistance unit member, and the income type listed in this Section belongs to the parent or minor sibling.

1. Loans;
2. Educational grants or scholarships; The following types of assistance provided for educational purposes:
 - a. Bureau of Indian Affairs (B.I.A.) Allowances for Educational Expenses paid to the participant from Title XIII that directly relates to school expenses;
 - b. Grants, scholarships, and loans, as provided by Title IV or Title XIII of the Higher Education Act;
 - c. Guaranteed loans, and other loans, not funded by the Title IV or Title XIII of the Higher Education Act;
 - d. Student loans (SGL) that are funded solely by a state and are not federally guaranteed;
 - e. Income paid to the member as a Tribal Loan for educational purposes under Title XIII of the Indian Higher Edu-

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- cation Program:
- f. The Montgomery GI bill Chapter 30 and other income paid to the member by the Veterans Administration for educational purposes;
 - g. Educational income (earnings and living allowances) from Workforce Investment Act related Summer Component Programs and Job Corps;
 - h. Earnings received from participation in college work study programs funded by Title IV of the Higher Education Act or Title XIII of the Indian Higher Education Program.
- 3. No change
 - 4. No change
 - 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - 6. The face value of ~~food stamp coupons~~ Nutrition Assistance benefits;
 - 7. No change
 - 8. The value of energy assistance ~~which~~ that is provided:
 - a. No change
 - b. No change
 - 9. No change
 - 10. No change
 - 11. ~~Earnings from high school~~ All income, both earned and unearned, received from programs and services authorized by the Workforce Investment Act, including earnings received from on-the-job training programs;
 - 12. Reimbursements for JOBS Program training-related expenses, including Fair Labor Standards Act supplements and Unpaid Work Experience supplements;
 - 13. Payments from any fund established in connection with settling liability claims concerning Agent Orange payments death or disabilities as specified in Public Law 101-102;
 - 14. No change
 - 15. No change
 - 16. No change
 - 17. No change
 - 18. No change
 - 19. No change
 - 20. Reimbursements for work-related expenses ~~which~~ that do not exceed the actual expense amount;
 - 21. Earned income of minor family members and dependent children who are students enrolled and attending school at least halftime as defined by the institution;
 - 22. Income received from the Americorp Network Program pursuant to subsection (5);
 - 23. Earned Income Tax Credit payments received as a monthly advance with the member's regular wages;
 - 24. Child care payments made to a member as a result of Title IV-A of the Social Security Act, when the payment is a reimbursement. The exclusion applies even when the payment exceeds actual child care expenses as specified in Public Law 100-485;
 - 25. Payments from the Child Care Food Program made to a member who is self-employed as a child care provider;
 - 26. The earned or unearned income of an SSI recipient;
 - 27. Subsidy payments provided by the Department's Guardianship Subsidy Program for children who are placed in the care of a Legal Permanent Guardian;
 - 28. Adoption Subsidy payments made by a federal, state, or local governmental entity;
 - 29. Dividends, interest, and royalty payments left on deposit or converted into additional securities;
 - 30. Federal Relocation Assistance payments made to a member to relocate because their property was acquired by a federal or federally assisted program;
 - 31. Stipends received by grandparents in the Foster Grandparent Program for past or future expenses;
 - 32. Money given to the family or the assistance unit from a roommate for rent or other shelter expenses that does not exceed the family's or assistance unit's rent or shelter expense obligation;
 - 33. Allowances, income, and reimbursements received in the Summer Component Program;
 - 34. The amount designated as attorney fees that is deducted from a member's Workman's Compensation payment;
 - 35. 50% of earned income, up to a maximum of \$100, deposited into an Individual Development Account (IDA) per month;

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- 36. Combat zone pay received while serving in the military in a combat zone;
- 37. Income received while participating in a program authorized by Title I and II of the Domestic Volunteer Services Act of 1973 including the following:
 - a. University Year for Action;
 - b. Urban Crime Prevention Program;
 - c. Retired Senior Volunteer Program;
 - d. Foster Grandparents Program;
 - e. Senior Companion Program;
- 38. Funds made available to a member on a gift card;
- 39. A one-time reimbursement of up to \$300 and any monthly payments provided by the Department's Grandparent Kinship Care Support Service program and disbursed by an Area Council on Aging contracted service provider;
- 40. Hemophilia Relief Fund Settlement payments made to hemophiliacs infected with HIV as a result of class action lawsuits;
- 41. TANF Survey Incentive Payments made by Mathematica, Inc. or other consulting firms as an incentive for participating in a survey to collect statistical information;
- 42. Funds received from a Public Housing Authority and deposited in a Public Housing Family Self Sufficiency (FSS) escrow account, and any of these funds received prior to completion of the FSS program;
- 43. Payments made directly to a member to fund an account for the fulfillment of a Plan for Achieving Self Support (PASS) under Title XVI of the Social Security Act;
- ~~23-44. No change~~

R6-12-504. Special Income Provisions: Child Support, Alimony, or Spousal Maintenance

- A. The Department shall count child support, alimony, or spousal maintenance, received by a member of the family or the assistance unit or a parent or minor sibling of a dependent child in an assistance unit, before the initial eligibility determination date, as income in the month received.
- B. After the eligibility determination date, and if the application is approved, the Department shall count current child support, alimony, or spousal maintenance received ~~by the Department's Division of Child Support Enforcement (DCSE);~~ on behalf of an assistance unit member; as income ~~in the month received for the purpose of determining continued eligibility to determine the cash benefit amount, when the following conditions are met:~~
 - ~~1. Such income is attributed to the assistance unit, and added to the unit's other income, to determine if the assistance unit meets the financial eligibility criteria.~~
 - ~~2. If the unit continues to satisfy the financial eligibility criteria, the Department shall compute the assistance unit's benefit amount without regard to the support DCSE has collected, except that any collected funds which DCSE passes on to the assistance unit shall be treated as unearned income in the month received.~~
 - 1. Current child support, alimony, or spousal maintenance is received by the Department's Division of Child Support Enforcement (DCSE), on behalf of an assistance unit member, a person whose income is considered available to the assistance unit, or a private collection agency; and
 - 2. DCSE has passed the support money on to the assistance unit or a person whose income is considered available to the assistance unit.
- C. After the eligibility approval date, if an assistance unit member or a parent or minor sibling whose income is considered available to the assistance unit receives child support, alimony, spousal maintenance, or medical support after assigning to the Department the right to such support, and the member fails to turn over the support to the Department, the Department shall:
 - 1. Count the support received ~~directly by an the assistance unit member~~, as provided above in subsection (A); and
 - 2. Sanction the ~~caretaker relative assistance unit~~ as provided in ~~R6-3-12-311(G) R6-12-316~~ by excluding that member's needs from the computation of the assistance grant and appointing a protective payee.

R6-12-505. Special Income Provisions: Nonrecurring Lump Sum Income

When an assistance unit member or a person whose income is considered available to the assistance unit receives a nonrecurring lump sum payment, the Department shall consider the lump sum payment as a resource in accordance with Article 4.

R6-12-506. Special Income Provisions: Sponsored Noncitizens

- A. For purposes of determining whether a sponsor's income and resources shall be used when determining the countable income for an assistance unit that includes a sponsored noncitizen member or for a sponsored noncitizen person whose income is considered available to the assistance unit, the following requirements apply:
 - 1. The sponsored noncitizen member shall:
 - a. Be a Lawful Permanent Resident who meets the eligible noncitizen criteria; and
 - b. Have applied for or been granted Lawful Permanent Resident status on or after December 19, 1997.
 - 2. The sponsor shall:
 - a. Be an individual and not an organization or group; and
 - b. Have signed an Affidavit of Support (United States Citizen and Immigration Services Form I-864 or I-864A) on

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behalf of the sponsored noncitizen member on or after December 19, 1997.

3. When the sponsor's spouse resides with the sponsor, and has also signed the Affidavit of Support (United States Citizen and Immigration Services Form I-864 or I-864A) on behalf of the sponsored noncitizen member on or after December 19, 1997, the income and resources of the spouse shall also be included for any purpose in this Chapter that requires the income and resources of the sponsor.

B. The assistance unit shall be exempt from the sponsor income and resource deeming requirement when any of the following apply:

1. The sponsored noncitizen is credited with at least 40 countable quarters of employment as provided in 8 U.S.C. 1183(a).
2. The sponsored noncitizen is a victim of domestic violence or extreme cruelty by a member of the family.
3. The sponsored noncitizen is a victim of a severe form of trafficking.
4. The sponsored noncitizen becomes a naturalized United States citizen.
5. The sponsored noncitizen is age 17 or younger.
6. The sponsor is deceased.

C. When the assistance unit is not exempt from the sponsor income and resource deeming requirement, the Department shall determine whether the assistance unit is indigent. To determine indigent status, the Department shall determine the countable income of the assistance unit and a cash grant.

1. When determining the amount of unearned income that shall be included in its calculation, the Department shall include:
 - a. The actual amount of cash contributions received from the sponsor;
 - b. The cash value of food, clothing, shelter, and utilities provided by the sponsor; and
 - c. The cash value of vendor payments made by the sponsor.
2. When the countable income is at least 1¢ less than 36% of the 1992 federal poverty level for the assistance unit size, the assistance unit is considered indigent.
3. When the assistance unit is determined to be indigent, the sponsor's income and resource deeming requirement shall not apply. The Department shall use only the actual amount of cash contributions received from the sponsor as countable income available to the assistance unit when determining a cash grant amount.

D. When the assistance unit is not exempt from the sponsor income and resource deeming requirement and is not indigent, the Department shall count the income of the sponsor as follows:

1. Determine the countable gross monthly income of the sponsor:
 - a. Calculate a monthly gross earned income amount and deduct 20 percent from that amount.
 - b. Calculate a monthly gross unearned income amount, and
 - c. Add the amounts in subsections (D)(1)(a) and (b).
2. Calculate the number of persons living in the home who the sponsor claims or could claim as a dependent for federal income tax purposes, including the sponsor and the spouse of the sponsor.
3. Deduct an amount equal to 100% of the federal poverty level adjusted for the family size in subsection (D)(2) from the countable gross monthly income calculated in subsection (D)(1)(c).
4. When the sponsor has signed more than one Affidavit of Support (United States Citizen and Immigration Services Form I-864 or I-864A) forms, divide the amount calculated in subsections (D)(1) through (3) by the number of I-864 or I-864A forms that have been signed by the sponsor.
5. After deducting the amount prescribed in subsection (D)(3) from the gross income calculated in subsection (D)(1)(c) and dividing that amount by the number of Affidavits of Support executed by the sponsor, the Department shall include the remaining income amount as countable unearned income available to the assistance unit.

E. When the assistance unit is not exempt from the sponsor income and resource deeming requirement and is not indigent, the Department shall consider the resources of the sponsor as available to the assistance unit. When calculating the value of the sponsor's resources, the Department shall:

1. Apply all rules and procedures to the sponsor's resources in the same manner as is applied to the assistance unit, and
2. Deduct \$1500 from the calculated value of the sponsor's resources. The resulting amount shall be added to the value of the assistance unit's resources when determining whether the assistance unit meets the resource limitations.

F. When an assistance unit includes both a sponsored noncitizen and other members, and the provisions of this Section render the assistance unit ineligible, the Department shall:

1. Disqualify the sponsored noncitizen and determine eligibility of the other members of the assistance unit without considering the income and resources of the sponsor, and
2. Compute a cash benefit amount with the needs of the sponsored noncitizen member excluded from the computation.

G. Verification and Cooperation

1. The Department shall assist the assistance unit in obtaining any verification of the sponsor's income, resources, or other information.
2. When the sponsor verification is not obtainable, the Department shall exempt the assistance unit from the sponsor income and resource deeming requirement and complete the eligibility determination.

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3. When the assistance unit refuses to provide information needed to determine the income and resources of the sponsor:
 - a. All sponsored noncitizens in the assistance unit shall be ineligible for assistance.
 - b. The other members of the assistance unit may be eligible if they meet all other eligibility factors.
- H. In addition to the change reporting requirements contained in Article 8 of this Chapter, the assistance unit shall be required to report the following:
 1. A change in sponsor or a change in the residence of the sponsor's spouse when the spouse is no longer residing with the sponsor.
 2. A change in the employment of the sponsor.
 3. The death of the sponsor.
- I. Overpayments. The sponsor and the noncitizen are jointly liable for any overpayment caused by the provision of incorrect or incomplete information, unless the sponsor had good cause that would make the noncitizen solely liable. Good cause includes:
 1. The Department failed to inform the assistance unit or the sponsor that the information was necessary; or
 2. Extenuating personal circumstances prevented the sponsor from providing necessary information.

~~R6-12-506~~R6-12-507. Determining Monthly Income

- A. For each family and assistance unit, the Department shall calculate monthly income using the methods described in ~~R6-12-507~~ R6-12-508.
- B. The projected income shall include income ~~which that~~ the family and assistance unit, or a person whose income is considered available to the assistance unit, has received and reasonably expects to receive in a benefit month, and shall be based on the Department's reasonable expectation and knowledge of the ~~assistance unit's~~ current, past, and future circumstances of the family, assistance unit, or person whose income is considered available to the assistance unit.
- C. The Department shall include in its calculation all gross income from every source available to the family and assistance unit unless specifically excluded in this Article, ~~or~~ by the federal Social Security Act or other applicable state or federal law.
- D. No change
 1. No change
 2. No change
 3. No change
- E. The Department shall determine a new calculation of projected income:
 1. At each review for the needy family and the assistance unit, and
 2. When there is a change in countable income of an assistance unit member or a person whose income is considered available to the assistance unit.

~~R6-12-507~~R6-12-508. Methods to Determine Projected Monthly Income

- A. The Department shall determine projected monthly income for a family and an assistance unit by the methods described in this Section.
- B. Averaging income.
 1. No change
 2. The Department shall average income for a family, to determine income eligibility, and an assistance unit, to determine a cash benefit amount, which who receives income:
 - a. No change
 - b. No change
- C. Prorating income.
 1. No change
 2. The Department shall prorate income for a family, to determine income eligibility, and an assistance unit, to determine a cash benefit amount, which who receives income ~~which that~~ is intended to cover a fixed period of time. When a person receives income pursuant to a fixed-term employment contract:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- D. Actual income.
 1. No change
 2. The Department shall use actual income for a family, to determine income eligibility, and an assistance unit, to determine a cash benefit amount, which who:
 - a. No change
 - b. No change
 - c. No change

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~~R6-12-508~~R6-12-509. Income Verification

The Department shall verify all income before determining eligibility and cash benefit amount.

ARTICLE 6. SPECIAL CA CIRCUMSTANCES

~~R6-12-601.~~ Pregnant Women

- ~~A.~~ Upon compliance with all other eligibility criteria and procedures, a pregnant woman with no other dependent children may be eligible for CA, as though the child was already born.
- ~~B.~~ Only the pregnant woman may qualify for benefits under this Section.
- ~~C.~~ Eligibility shall begin no earlier than 3 months before the predicted month of delivery and shall end no later than 2 months after the pregnancy terminates, and following written notice of adverse action.
- ~~D.~~ If the child is miscarried, stillborn, or born prematurely, and the woman reports such event to the Department within 10 calendar days of the occurrence;
 - 1. The occurrence shall not effect the woman's original eligibility, and
 - 2. No overpayment shall result.
- ~~E.~~ Following birth of the child, the mother may apply for benefits on behalf of the child as provided in this Chapter.

~~R6-12-602~~R6-12-601. Caretaker Relative of SSI or Foster Child

- A. No change
- B. No change
- C. No change
- D. No change

~~R6-12-603.~~ Sponsored Noncitizen Aliens

- ~~A.~~ A noncitizen who is sponsored by a public or private agency or organization shall not qualify for CA for 3 years following the date of the noncitizen's entry for permanent residence into the United States unless:
 - 1. The agency or organization ceases to exist during the 3 years, or
 - 2. The noncitizen's 3-year sponsorship agreement with the agency or organization has expired.
- ~~B.~~ A noncitizen sponsored by an individual who seeks benefits shall obtain the cooperation of the sponsor as necessary to satisfy the eligibility criteria described in this Chapter.
- ~~C.~~ The Department shall count the full income and resources of a noncitizen sponsor as available to the sponsored noncitizen for 3 years from the date of the noncitizen's entry into the United States for permanent residence, according to the provisions of this Section.
- ~~D.~~ Subject to the provisions of Article 4 concerning treatment of resources, the Department shall count the total equity value of resources belonging to the sponsor and the sponsor's spouse, less \$1,500, as available to the sponsored noncitizen.
- ~~E.~~ The Department shall count the full income of the noncitizen sponsor and the sponsor's spouse as available to the noncitizen.
- ~~F.~~ When a person sponsors 2 or more noncitizens, the Department shall prorate income among the sponsored noncitizens.
- ~~G.~~ When an assistance unit includes both a sponsored noncitizen and other members, and the provisions of this Section would render the assistance unit ineligible, the Department shall determine eligibility of the other members without considering the sponsored noncitizen or the sponsor's income or resources.
- ~~H.~~ The sponsored noncitizen and the sponsor are jointly liable for any overpayment resulting from the sponsor's provision of incorrect or incomplete information, unless the sponsor had good cause, so as to make the noncitizen solely liable. Good cause includes:
 - 1. The Department failed to inform the noncitizen or the sponsor that the information was necessary; or
 - 2. Extenuating personal circumstances prevented the sponsor from providing necessary information.

~~R6-12-604~~R6-12-602. Strikers

The Department shall determine CA income eligibility for the family, and a benefit amount for the assistance unit during a strike period for a an parent on strike, the parent's spouse, and the dependent children of the parent assistance unit member, a person whose income is considered available to the assistance unit, or a family member on strike using the striker's prestrike monthly income.

~~R6-12-605.~~ Dependents with Ineligible IRCA Parents

The income of an ineligible noncitizen parent who is an noncitizen admitted to the United States pursuant to 8 U.S.C. 1255a or 1160, as amended through October 25, 1994, which is incorporated by reference and on file with the Office of the Secretary of State and not including any later amendments or editions, unless such parent is eligible for assistance pursuant to R6-12-305(A), is deemed available to meet the needs of the noncitizen parent's dependent child after application of the following disregards:

- 1. The 1st \$90 of the noncitizen parent's gross earned income;
- 2. An amount equal to the CA need standard for the number of persons whom the noncitizen parent could claim as dependents, including the noncitizen parent, but excluding;

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- a. ~~Persons receiving CA, and~~
- b. ~~Persons who would be receiving CA but for a sanction due to failure to cooperate;~~
- 3. ~~Actual amounts paid to persons not living in the home who could be claimed as dependents for federal income tax purposes; and~~
- 4. ~~Actual payments of spousal maintenance or child support to persons not living in the noncitizen parent's home.~~

~~R6-12-606, R6-12-603, Dependents of Foster Children~~

- A. The dependent child of an ineligible foster child residing in a needy family may be eligible for CA.
- B. To determine eligibility and a cash benefit amount, the Department shall count all income and resources of the foster child and the dependent child, other than the foster care payment, as otherwise provided in this Chapter.

~~R6-12-607, Stepparents~~

~~The income of a stepparent who does not receive CA or SSI is deemed available to meet the needs of a dependent child who resides with the stepparent, after application of the following disregards:~~

- 1. ~~The 1st \$90 of the stepparent's gross earned income;~~
- 2. ~~An amount equal to the CA need standard for the number of persons whom the stepparent could claim as dependents, including the stepparent, but excluding;~~
 - a. ~~Persons receiving CA, and~~
 - b. ~~Persons who would be receiving CA but for a disqualification due to IPV, fraud, or Voluntary Quit/Reduction in Work Effort;~~
- 3. ~~Actual amounts paid to persons not living in the home whom the stepparent could claim as dependents for federal income tax purposes; and~~
- 4. ~~Actual payments of spousal maintenance or child support the stepparent makes to persons not living in the stepparent's home.~~

~~R6-12-608, R6-12-604, Minor Parents~~

- A. A minor parent means a person who:
 - 1. No change
 - 2. No change
 - 3. Is ~~either~~ the natural parent of a dependent child living in the same household ~~or is pregnant and eligible for assistance under R6-12-601.~~
- B. No change
- C. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - 2. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - 3. No change
 - a. No change
 - i. No change
 - ii. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change

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- g. No change
 - i. No change
 - ii. No change
 - iii. No change
- 4. The minor parent lives in a needy family with that includes one of the following: ~~the minor parent's parent, adult specified relative as defined in R6-12-309(A), or legal guardian who either:~~
 - a. ~~Is determined needy according to the income calculation procedures set forth at subsection (D); or~~
 - a. The minor parent's parent.
 - b. An adult non-parent caretaker relative, or
 - c. The minor parent's legal guardian.
 - b. ~~5. When the minor parent lives with a parent or adult non-parent caretaker relative who Has has CA eligible children. If so, the Department shall combine all eligible children into 1 one assistance unit. The parent, adult specified non-parent caretaker relative, or legal guardian shall serve as the payee.~~
- D.** For the purpose of determining if a minor parent may receive assistance pursuant to subsection (C)(4)(a):
 - 1. The Department shall count all income received by the minor parent's parent, adult relative, or legal guardian, except for CA, SSI, and other sources of income excluded under R6-12-503, and shall apply the following disregards, if appropriate:
 - a. ~~The 1st \$90 of the gross earned income of each employed parent, adult relative, or legal guardian;~~
 - b. ~~An amount equal to the CA need standard for the number of persons living in the home who could be claimed as dependents for federal income tax purposes, including the minor parent's parent, adult relative, or legal guardian, but excluding:~~
 - i. ~~The minor parent and the minor parent's child, and~~
 - ii. ~~Persons who would be receiving CA but for a sanction due to failure to cooperate;~~
 - c. ~~Actual amounts paid by the minor parent's parent, adult relative, or legal guardian to persons not living in the home who could be claimed as dependents for federal income tax purposes; and~~
 - d. ~~Actual payments of spousal maintenance or child support to persons not living in the home of the minor parent's parent, adult relative, or legal guardian.~~
 - 2. ~~The amount remaining is subtracted from the CA payment standard for an assistance unit comprised of the minor parent and the minor parent's child. If the resulting figure is at least 1¢, the minor parent may receive assistance.~~
 - a. ~~If the minor parent lives with a parent, the Department shall count the income available to the assistance unit when determining the benefit level.~~
 - b. ~~If the minor parent lives with a non-parent caretaker relative or legal guardian, the Department shall not count the income available to the assistance unit when determining the benefit level.~~
- D.** A minor parent who does not live with a parent, adult non-parent caretaker relative, or legal guardian must meet the needy family income eligibility requirements.
- E.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- F.** The provisions of this Section shall not apply to a parent who is under 18 years of age ("an underage parent") and who is married or has been married ~~except, if the underage parent resides with his or her own parent, the income of the parents of the underage parent is deemed available to the underage parent pursuant to the procedures set forth in subsection (D).~~
- G.** ~~The provisions of this Section shall not apply to an applicant or recipient who is assigned to the control group as prescribed in R6-12-105, except that the income of the parents of a minor parent is deemed available to the minor parent pursuant to the procedures set forth in subsection (D).~~

R6-12-609, R6-12-605. Unemployed Parents in a 2-parent Two-parent Household (TPEP)

- A.** No change
- B.** No change
- C.** No change
 - 1. No change
 - 2. No change
- D.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change

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7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
13. No change

~~E.~~ The PWEP shall have:

1. ~~Worked 6 or more quarters during the 13 calendar quarter period ending within 1 year prior to the date of application for TPEP benefits; or~~
2. ~~Received, or been eligible to receive, unemployment compensation at any time during the 1-year period prior to the date of application for TPEP benefits.~~

~~F.~~ An applicant or recipient who is assigned to the control group as prescribed in R6-12-105 shall not qualify for TPEP unless the PWEP is unemployed for at least 30 days prior to the month of receipt of benefits. As used in this subsection, "unemployed" shall mean:

1. ~~A lack of work for compensation or remuneration;~~
2. ~~Regular employment of less than 100 hours in a calendar month; or~~
3. ~~Employment of less than 100 hours in each month of the 2 months prior to the current month and anticipated to be less than 100 hours during the following month.~~

~~R6-12-610.~~ **R6-12-606.** TPEP: Education and Employment Requirements; Good Cause for Nonparticipation

No change

1. No change
 - a. No change
 - b. No change
2. No change
3. No change

~~R6-12-611.~~ **R6-12-607.** TPEP: Duration

No change

1. No change
2. No change
3. No change
4. No change

~~R6-12-612.~~ **R6-12-608.** Transitional Child Care

A. No change

1. No change
2. No change
3. No change

B. No change

1. No change
 - a. No change
 - b. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change

C. No change

~~R6-12-613.~~ **R6-12-609.** Transitional Child Care: Eligible Children

A. No change

1. No change
2. No change
3. No change
4. No change
5. No change

B. No change

1. No change

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- 2. No change
- C. No change

~~R6-12-615.~~R6-12-610. Involuntary Termination of Transitional Child Care

- A. No change
 - 1. No change
 - 2. No change
- B. In this Section, good cause shall exist when:
 - 1. The employed person needs care for a child or an incapacitated ~~household~~ assistance unit member, such care is unavailable, and the Department fails to provide such care;
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
 - 10. No change
 - 11. No change

~~R6-12-616.~~R6-12-611. Guaranteed Child Care Benefits: Options

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
- B. No change
 - 1. No change
 - 2. No change
- C. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
- E. No change

~~R6-12-617.~~R6-12-612. Guaranteed Child Care: Eligible Children

Guaranteed child care benefits are available for a dependent child in the assistance unit, including a child who is ineligible for CA due to the provisions of R6-12-308, ~~R6-12-318~~, or R6-12-608, who is:

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change

R6-12-613. Renumbered

R6-12-614. Transitional Child Care: Duration Repealed

~~An assistance unit that is assigned to the control group as prescribed in R6-12-105 may receive transitional child care for no more than 12 consecutive months immediately following the last month for which the assistance unit received CA or TPEP.~~

R6-12-615. Renumbered

R6-12-616. Renumbered

R6-12-617. Renumbered

ARTICLE 7. DETERMINING ELIGIBILITY AND BENEFIT PAYMENT AMOUNT

~~R6-12-701.~~ Need Standard

- A. The CA need standard is 100% of the 1992 federal poverty level, adjusted for a shelter cost factor as prescribed in subsections (B) and (C), and the number of persons in the assistance unit.

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- B.** To determine eligibility, as described in R6-12-702, the Department shall use 100% of the need standard appropriate to the size of the assistance unit when:
1. The assistance unit pays, or is obligated to pay, all or part of the shelter costs for the place in which assistance unit members reside; shelter costs include rent, mortgage, or taxes;
 2. The assistance unit members reside in subsidized public housing;
 3. A member of the assistance unit works in exchange for rent; or
 4. A non-parent relative who is excluded from the assistance grant:
 - a. Charges the dependent child rent; or
 - b. Uses a portion of the dependent child's assistance grant to pay household expenses.
- C.** For all circumstances not covered under subsection (B), including those when shelter costs are paid for 3 consecutive months or longer by a person who is not a member of the assistance unit, the Department shall use 63% of the need standard appropriate for the size of the assistance unit.

R6-12-701. Income Limitations for a Family

- A.** A family whose net monthly income does not exceed the income limitations in subsection (C) or (D) shall be considered a needy family for purposes of determining income eligibility for an assistance unit.
- B.** To determine income eligibility, the Department shall calculate the net monthly income of the family using the methods listed in R6-12-508.
- C.** When the net monthly income of the family exceeds 100% of the federal poverty level for the number of persons in the family, the assistance unit is ineligible for CA.
- D.** When the net monthly income of a family in which the head of household is a non-parent caretaker relative who is requesting CA only for a dependent child exceeds 130% of the federal poverty level for the number of persons in the family, the assistance unit is ineligible for CA.
- E.** The income limitations in subsections (C) and (D) shall not apply to a child only case.

R6-12-702. Determining Eligibility for an Assistance Unit

- A.** No change
- B.** An assistance unit is eligible for CA when the Department finds that the unit:
1. No change
 2. No change
 3. Resides in a needy family.
 3. Satisfies the following income eligibility requirements:
 - a. The unit's gross income, after application of the income disregards described in subsection (C) does not equal or exceed 185% of the applicable need standard (the 185% test); and
 - b. The unit's gross income, less applicable disregards as described R6-12-703, is at least 1¢ less than the applicable need standard.
- C.** For the 185% test, the Department shall disregard the following income of dependent children who are members of the unit:
1. All income derived from participation in the Job Training Partnership Act (JTPA), for up to 6 months per calendar year; and
 2. All unearned income derived from participation in JTPA

R6-12-703. Earned Income Disregards

For the purpose of determining the net monthly income eligibility of a family as provided in R6-12-702(B)(3)(e) R6-12-701(C) and (D) for eligibility purposes, and for an assistance unit to determine a benefit amount, the Department shall ~~disregard~~ deduct the following earned income disregards:

1. Income of dependent children, as described below:
 - a. All earned income derived from JTPA participation, for up to 6 months per calendar year;
 - b. All unearned income derived from JTPA participation; and
 - c. All income derived from the Summer Youth Employment and Training Program (SYETP);
2. 1. A \$90 work expense allowance for each employed person whose needs are included in the assistance unit's budget in the family to determine income eligibility, and for employed assistance unit members or an employed parent of a dependent child whose income and resources are considered available to the assistance unit, to determine a cash benefit amount;
3. 2. For each wage earning member of the family, to determine income eligibility; and for each assistance unit, or employed parent of a dependent child whose income and resources are considered available to the assistance unit, to determine a cash benefit amount: 30% of any earned income not already disregarded; and
4. 3. At the initial interview and at each review, the Department shall require each wage earner to verify The billed expenses for the care of each dependent child or incapacitated adult member of the family, to determine income eligibility, and of the assistance unit, to determine a cash benefit amount who is receiving CA.
 - a. The monthly amount of earned income disregarded as a billed expense for the care of a dependent shall not

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exceed:

- i. \$200 for a child under the age of 2 years, and
- ii. \$175 for a child age 2 or older and for an incapacitated adult.
- b. Acceptable verification shall include:
 - ~~a.i.~~ A written statement from the individual or business providing the care for the amount billed; or
 - ~~b.ii.~~ Collateral contact, when documents are not available;
5. ~~For an assistance unit with an adult who is ineligible pursuant to R6-12-318, an amount equal to the difference between the benefit amount with the needs of the ineligible adult included in the computation and the benefit amount with the needs of the ineligible adult excluded from the computation;~~
- ~~6.4.~~ No change

R6-12-704. Disqualification from Earnings Disregards; Good Cause

- A. The Department shall not apply the earned income disregards set forth at ~~R6-12-703(2)~~ R6-12-703(1) through ~~R6-12-703(5)~~ R6-12-703(3) to the earned income of an assistance unit member, ~~for a particular benefit month or an employed parent of a dependent child whose income and resources are considered available to the assistance unit,~~ when the assistance unit member or parent, without good cause:
 1. No change
 2. No change
 3. No change
- B. Good cause.
 1. No change
 - a. No change
 - b. No change
 2. For circumstances applicable to subsection (A)(3), good cause is limited to the following:
 - a. The assistance unit reports and verifies that sickness, accident, or other ~~family~~ hardship prevented the unit from reporting timely; or
 - b. No change

R6-12-705. Determining Benefit Payment Amount; ~~Prorating~~

- A. The Department shall determine the amount of the ~~assistance grant~~ cash benefit by subtracting ~~all non-exempt the monthly net income of the assistance unit, following application of all appropriate income disregards,~~ from 36% of the ~~need standard 1992 federal poverty level for the number of persons in the assistance unit, and rounding down the resulting figure to the next whole dollar; in any of the following circumstances:~~
 1. The assistance unit or parent of a dependent child whose income and resources are considered available to the assistance unit pays, or is obligated to pay, all or part of the shelter costs for the place in which assistance unit members reside. Shelter costs include:
 - a. Rent.
 - b. Mortgage.
 - c. Property taxes.
 - d. Mobile home space or taxes.
 - e. Homeowner association fees and taxes, or
 - f. The household shelter cost obligation is in foreclosure action and the mortgage company will accept back payments;
 2. The assistance unit members reside in subsidized public housing;
 3. A member of the assistance unit or parent of a dependent child whose income and resources are considered available to the assistance unit works in exchange for rent;
 4. The assistance unit is composed only of a dependent child for whom benefits were requested by a non-parent caretaker relative head of household; or
 5. Assistance is paid in a child only case.
- ~~B.~~ C. For all circumstances not covered under subsections (A)(1) through (5), including those when shelter costs are paid for three consecutive months or longer by a person who is not a member of the assistance unit, or by a parent of a dependent child whose income and resources are considered available to the assistance unit, the Department shall determine the amount of the assistance grant by subtracting the monthly net income of the assistance unit from 23% of the 1992 federal poverty level for the number of persons in the assistance unit, and rounding down the resulting figure to the next whole dollar.
- ~~B.C.~~ No change
- ~~C.D.~~ No change

Notices of Exempt Rulemaking

ARTICLE 9. CHANGES; ADVERSE ACTION

R6-12-905. Ineligibility Date for an Assistance Unit

An assistance unit's ineligibility begins at the time described below:

1. On the ~~4th~~ first day of the same month in which any of the following events occurs:
 - a. Acquisition of resources in excess of the resource limitations specified in Article 4;
 - b. Receipt of lump sum income as set forth in R6-12-505; or
 - e. ~~Receipt of income in excess of the 185% income maximum as specified in R6-12-702; or~~
 - d-c. ~~The addition of a mandatory~~ A new assistance unit member or a person whose income and resources are considered available to the assistance unit moves into the home and renders the assistance unit ineligible for a cash benefit.
2. No change
3. No change